




Speech By
Stephen Andrew

MEMBER FOR MIRANI

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**POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION AMENDMENT
BILL**

 **Mr ANDREW** (Mirani—PHON) (12.19 pm): I rise to speak on the Police Service Administration and Other Legislation Bill 2021. Before I do, I offer my thanks and praise to all of the security officers here in the parliamentary precinct who all work so hard and diligently to keep us safe. I have always found these officers to be extremely professional, hardworking and diligent. I have always enjoyed my many interactions with them and consider them to be good, trustworthy colleagues. Nothing I have to say on this bill should be taken as a reflection on them personally or the work they do, which I know is extremely valuable.

The amalgamation of protective security officers and senior protective security officers creates a new category of officer called protective services officers or PSOs. The bill invests these newly created PSOs with greatly enhanced powers, which in his introductory speech the minister described as mirroring those of Queensland police officers. They belong to the Protective Services Group, PSG, which describes itself as a business unit operating under the umbrella of the QPS. The actual governance and chain of accountability for the unit is fairly obscure. However, it seems to be one of those hybrid organisations governments are so fond of nowadays, but which also provides much less transparency and accountability than the regular police force.

The officers provide security services to around 80 Queensland government buildings, including the Queensland Cultural Centre, Queensland Courts, Mineral House, Legal Aid Offices and about 47 or so other government owned or leased buildings across the state—all on a fee-for-service basis. The website says PSG currently offers clients a wide range of security, technical and consultancy services, including mobile patrols throughout the state through third-party providers. It is evident, therefore, that the PSG unit is a group whose activities extend much further than simply providing security for Queensland state buildings, as the accompanying documents in the bill describe their work. This is concerning, particularly as the powers the bill is investing in PSOs are significant powers that mirror those of regular police officers and particularly because provisions in this bill indicate a for-profit aspect to their work. Clause 36 states a function of PSOs to be—

providing services, on a commercial basis, for a building (other than a state building) under a contract entered into by the State.

This raises significant questions around how and when these new police-like powers will operate. Will they apply only when providing security for government infrastructure, or are they a permanent feature of their new role? I also note that the definition of a state building in clause 549 of the bill is ambiguous. According to clause 549(1)(ii), the meaning of a state building is—

a building, or part of a building, prescribed by regulation for the purpose of this definition;

This definition essentially means that a state building will mean practically any building or venue the government decides it means.

The experience of Victoria is very instructive. Victorian PSOs have undergone a similar upgrade of their powers. Over time their powers have grown considerably and the officers are authorised to make arrests and carry weapons. PSOs in Victoria can now be seen patrolling all sorts of unexpected areas, including privately owned or managed shopping centres. This raises a number of questions as to whose interests are being served by contracting out PSOs with police powers to the corporate sector. The possibility that PSOs will be exercising these newly acquired police powers, including the use of force, while contracted out to non-government and private interests is a grey area of the bill. What happens, for example, if a PSO were to seize an item that may be later deemed as evidence of an offence while acting on behalf of a corporation rather than the government? The bill does say that these commercial for-profit services will be subject to a government contract, but there are still a lot of unanswered questions in my mind as to the conflict of interest these officers could be confronted with in exercising these police powers in a commercial, privatised context.

On the issue of the use of force and the expansion of circumstances under which force may be used by a PSO, I believe the threshold in the bill is far too low. I also have similar concerns over the open-ended authorisation for PSOs to use body worn cameras similar to those worn by police officers. The bill is not clear on the circumstances when a camera may be turned on, as well as who has access to the recordings and for what purpose. This is particularly concerning, given these PSOs are already engaged in providing security services to many venues, such as schools and electorate offices, where people would not be expecting to be filmed and may regard it as an invasion of privacy. I certainly would.

Policing is a practice that involves significant coercive powers. They should therefore be used responsibly and with accountability. For such powers to be invested in a group of people who appear to operate mostly outside the parameters of a fully accountable police force and whose services may be contracted out on a commercial basis is surely an issue that should have received much more attention than it has. The importance of accountability cannot be minimised, as it ensures that policing is provided within an ethical and transparent framework that lessens the potential for misconduct or abuse. There is very little in Australian legislation, and even less in the common law, which permits security guards, even those overseen by a regular police service, to wield such powers.

The changes in the bill may bring the state into line with other states, as has been said, but that does not change the fact that they will be transformative on law enforcement and policing in Queensland. The new laws replace the original security function of a PSO with a newly created responsibility for combating crime, antisocial behaviour and even terrorism. Essentially, the bill is creating a second-tier police force within Queensland, one where the chain of governance and accountability is far from clear. The changes also risk creating the very conditions for violent interactions that it seeks to prevent, conditions where the principle of mutual respect in our society is replaced with one based on mutual suspicion and distrust.

On that last point, I call the attention of the House to a 2016 review carried out in Victoria by the Independent Broad-based Anti-corruption Commission, which identified numerous risks associated with PSOs exercising the powers of police. Some of these risks included assault and improper use of force, unauthorised access and disclosure of information, as well as increased levels of aggressive behaviour towards the public. Such risks could easily be disproportionately experienced by those within our most marginalised and vulnerable groups, people such as Indigenous and migrant groups who already feel unfairly targeted by police surveillance and intervention. Others include the homeless, those experiencing mental illness and young people.

The example of Victoria shows just how rapidly PSOs can become incorporated into the role of maintaining social order. PSOs can now patrol all sorts of places, including beaches, train stations, shopping centres and other commercial areas. I have concerns that this bill will import this same level of heightened policing model to Queensland, something that could easily turn our democratic and open society into one that is a lot more closed and adversarial. Essentially, the bill will create a second-tier policing regime and this will almost certainly expand rapidly. Many of the changes being made with bills such as this are too often being introduced and passed without any real awareness or consultation with the public.