

Fire Blight

~~Mr SPRINGBORG:~~ My question without notice is to the Minister for Agriculture, Food and Regional Economies. I refer to the federal government's decision to lift the ban on New Zealand apples which has protected our shores from the devastating disease fire blight since 1919. Can the minister give a guarantee to Granite Belt apple growers that their orchards, their livelihoods and their communities will not be destroyed by this decision?

~~Mr SPEAKER:~~ The minister has one minute.

~~Mr MULHERIN:~~ I thank the honourable member for the question. This government believes in free trade; it is in the interests of agriculture. The New Zealand apple industry made an application to Biosecurity Australia for the export of apples from New Zealand to Australia. That was commenced under the Howard government era under one of your heroes, Peter McGauran. We put up a strong case around science and the New Zealand government took us to the WTO. It was then reviewed again and the federal government has made the decision to allow apples into Australia under strict conditions. I note that Tony Abbott supports that. I believe that most Australian consumers will support the Australian apple industry. I understand the industry is out promoting the Australian product.

(Time expired)

~~Mr SPEAKER:~~ Order! The time for question time is over.

MINISTERIAL STATEMENT

Ministerial Expenses

 ~~Hon. AM BLIGH~~ (South Brisbane—ALP) (Premier and Minister for Reconstruction) (12.25 pm), by leave: I table the public report of ministerial expenses for the period 1 July 2010 to 30 June 2011.

Tabled paper: Public Report of Ministerial Expenses—2010–11.

~~The report shows that ministerial expenditure has remained at a reasonable level and that this government remains committed to fiscal responsibility. Compared to 2009–10, overall ministerial office expenditure in this financial year increased by 2.14 per cent, which is below CPI. Obviously, enterprise bargaining expenses contributed to the modest increase along with other costs, such as IT and depreciation. Overall increases were offset by decreases in areas such as communication costs due to improved and capped phone plans negotiated by the department.~~

~~Regarding my own office, expenditure in this financial year decreased by \$50,572, or 0.95 per cent on the previous year. This decrease is due to the transfer of the Townsville office to the office of the Minister for Main Roads, Fisheries and Marine Infrastructure and the ongoing prudent management of my office to ensure costs are kept to a minimum. The public report of ministerial expenses for 2010–11 shows that ministerial expenditure is being maintained at reasonable levels.~~

POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Introduction and Referral to the Legal Affairs, Police, Corrective Services and Emergency Services Committee

 ~~Hon. NS ROBERTS~~ (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (12.26 pm): I present a bill for an act to amend the Police Powers and Responsibilities Act 2000, the Police Powers and Responsibilities Regulation 2000, the Evidence Act 1977 and the State Penalties Enforcement Act 1999 for particular purposes, and to make minor and consequential amendments to the legislation mentioned in the schedule. I table the bill and explanatory notes. I nominate the Legal Affairs, Police, Corrective Services and Emergency Services Committee to consider the bill.

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill.

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill, explanatory notes.

The bill strengthens and streamlines police powers to enhance the ability of police to protect and serve Queensland communities, with the primary objective of making Queensland communities among the safest in Australia. The Police Powers and Responsibilities and Other Legislation Amendment Bill 2011 reaffirms the Bligh government's commitment to ensure the Queensland Police Service continues to provide modern and effective law enforcement. This bill supports the continued delivery of quality policing services to the Queensland community.

The review of the Police Powers and Responsibilities Act was commenced by the previous minister for police, Ms Judy Spence. The review was undertaken in three stages. Stage 1 called on all

members of the Queensland Police Service to draw on their operational experience to identify amendments to the PPRA that would better support the delivery of policing services to the Queensland community. Stage 2 involved the formation of the PPRA Review Committee, which was tasked to review proposals put forward by the QPS and others to ensure the act continued to meet its purposes. The committee was chaired by the member for Ipswich West, Mr Wayne Wendt, and included representatives from the Queensland Law Society, the Crime and Misconduct Commission, the Queensland Council for Civil Liberties, Legal Aid Queensland, the Aboriginal and Torres Strait Islander Legal Service (Queensland) Ltd and various government departments.

Stage 3 involved an open public consultation period where an invitation was extended to the people of Queensland to provide input into the review by identifying relevant changes to the act. Subsequent to this, a draft PPRA bill was released publicly for further feedback. I would like to take this opportunity to thank both the previous minister for police and the member for Ipswich West for their positive role and contribution to this review.

019 The government is committed to making Queensland the safest state in Australia and this bill contains a suite of amendments to the PPRA that will contribute to achieving this goal. In this regard, the amendments to the act can be summarised as being those that reinforce safeguards to ensure police powers have sufficient regard to the rights and liberties of Queenslanders, those that give police officers a stronger platform to investigate offences, and those that enhance the safety of our police officers and the community. The government and the Queensland Police Service proactively engaged with the people of Queensland in the development of this legislation to make sure we got it right. As a result of that process, I am confident that the bill is in line with community expectations and better positions the QPS to protect and serve Queensland in a fast paced 21st century society.

Whilst the explanatory notes provide the necessary detail of the purpose of each proposed amendment, I want to speak to some of the more significant amendments. The bill provides a police officer with the power to search a minor reasonably suspected of having possession of liquor in a public place or at licensed premises. This new search power is, however, limited to a pat-down search and a search of bags in the possession of the minor. This new and limited search power will assist police in preventing young people from undertaking risky behaviours and placing themselves in situations such as violent altercations or unwanted sexual experiences. This risk was identified by the findings of the Law, Justice and Safety Committee's report *Inquiry into alcohol-related violence—final report*. Further, the Queensland Police Service 2009-10 annual statistical review indicated that approximately 11 per cent of all liquor offences, not including drunk in a public place, are committed by children aged 10 to 17 years. Searching and seizing liquor unlawfully in possession of minors is a preventative measure that is aimed at intervening early in order to prevent further harm and/or offences. Whilst the purpose of the search is to locate and seize liquor unlawfully in the possession of the minor, should any other items be unlawfully in the minor's possession and located during the search, action may be taken in relation to those items as well.

The bill gives a police officer the power to search a person who has been detained for the purposes of dealing with a breach of the peace or to avert a riot or prevent offences generally. This search power is limited to a pat-down search to locate items that can ordinarily be used to endanger the safety of any person or to escape. This search power extends to bags in the possession of the person. Any items that the person may be entitled to lawfully possess, however taken from the person while the person is detained, will be returned upon the release of that person. If an item is located that the person may not lawfully possess, the police officer may take action. The safety of our police officers is paramount and this limited search power will give greater protection to our police officers when dealing with offenders.

The bill allows a police officer of the rank of chief superintendent to authorise a controlled activity that utilises an adult civilian participant but in limited circumstances. During the initial stages of an investigation, it is often difficult to grasp the extent of the criminal activities undertaken without drawing on a civilian participant with knowledge of those activities. By way of example, the bill allows a civilian to participate in a controlled activity by introducing an undercover police officer to a drug supplier to enable the police officer to purchase a dangerous drug for evidence gathering. This allows the police to tap into the knowledge and connections that a particular civilian may have but which a police officer would not.

Currently, community service imposed in lieu of the impoundment or forfeiture of a motor vehicle is taken to be a fine option order under the Penalties and Sentences Act 1992. However, as the original order is not a fine, in the event of a noncompliance a court can only extend the order to allow community service to be performed. This presents difficulties for the courts and Queensland Corrective Services in enforcing the impoundment legislation in the event of a noncompliance and defeats the purpose of the legislation. The bill attributes a non-performance amount to the order to perform community service so that, if an offender fails to complete the imposed number of hours of community service, the non-performance amount determined by the court can be enforced. If the amount is unpaid, it will be transferred to the State Penalties Enforcement Register for collection.

The bill establishes a regime that allows a police officer to make an application to a Children's Court magistrate to take a DNA sample from a child who is not a suspect for an offence but in relation to which the DNA may assist in identifying the person who committed the offence or to establish whether the offence has been committed. A typical example is the offence of incest, where the victim has given birth to another child. A DNA sample taken from both children will provide the evidence required to prove the offence. This amendment is yet another example of the commitment by this government to protecting our children and ensuring those persons who commit sex offences against our children are held to account.

Both the community consultation process for reviewing the PPRA and members of the community who contact my office have highlighted a need to strengthen police powers for dealing with noise complaints in neighbourhoods. In response, the bill will give police officers the power to issue a noise abatement direction for up to 96 hours, or four days. This increased time period does not replace the existing 12-hour noise abatement period but is an additional tool available to police officers to combat repeat instances of nuisance noise and deal with recidivist excessive noise offenders. Anecdotal information from the QPS indicates that many members of the community are unnecessarily tolerating noise out of fear of reprisals should they make a noise complaint to the police. In this regard, the bill also clarifies that the identity of a person wishing to make a noise complaint does not need be disclosed. Importantly, officers will still be required to make an assessment of the level of noise and determine that the noise is in fact excessive in the circumstances before taking action.

Finally, I want to draw the parliament's attention to the expansion of offences for which the Queensland Police Service may make an application for a disease test order. An application may now be made for any offence if semen, blood, saliva or another bodily fluid may have been transmitted into the anus, vagina, a mucous membrane or broken skin of a victim of the offence. While the scope of the orders is tempered with the safeguard that a magistrate may only make the order where there has been the transfer of a bodily fluid, the inclusion of all offences where there is the possibility of disease transfer to the Queensland community as a whole would be a positive health outcome for victims.

This bill represents a significant step forward in enhancing the ability of our police officers to protect children, investigate offences, prosecute offenders, enforce penalties and generally preserve the peace and good order. As a result of this bill, our community will be better served by police officers who have access to powers that are necessary for effective modern policing and law enforcement balanced by appropriate safeguards. I commend the bill to the House.

First Reading

 **Hon. NS ROBERTS** (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (12.37 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.

Madam DEPUTY SPEAKER (Ms van Litsenburg): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.

~~LOCAL GOVERNMENT ELECTORAL BILL~~

~~Second Reading~~

~~Resumed from 24 August (see p. 2640), on motion of Mr Lucas~~

~~That the bill be now read a second time.~~

 **Mr STEVENS** (Mermaid Beach—LNP) (12.37 pm), continuing: ~~Another amendment in the bill looks at the Mixed Use Development Act 1993, which predates body corporate laws set out in the Body Corporate and Community Management Act 1997. It looks at issues relating to body corporate operations and includes dispute resolution, financial disclosure and accountability on body corporate committees and also representation on committees that are fair and equitable.~~

~~The bill also addresses residential care buildings and the evacuation procedures in the event of a fire emergency. This specifically relates to further issues identified in the Childers task force report and further protective measures that refer to residential care buildings built before 1 June 2007 that have six or more residents and more than one resident who is mobility impaired and requires physical assistance to evacuate the building in the event of a fire. This will be achieved by introducing a new chapter in the Building Act 1975 to be known as chapter 7A entitled 'Fire safety for residential care buildings built, approved or applied for, before 1 June 2007'.~~