COMMUNITY SAFETY AND LEGAL AFFAIRS COMMITTEE

Members present:
Mr PS Russo MP—Chair
Mr MA Boothman MP
Ms SL Bolton MP
Ms JM Bush MP
Mr JE Hunt MP
Mr JM Krause MP

Staff present:
Ms M Westcott—Committee Secretary
Ms E Lewis—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE QUEENSLAND COMMUNITY SAFETY BILL

TRANSCRIPT OF PROCEEDINGS

Monday, 10 June 2024

Brisbane

MONDAY, 10 JUNE 2024

The committee met at 11.19 am.

CHAIR: I declare open the public briefing for the committee's inquiry into the Queensland Community Safety Bill 2024. My name is Peter Russo. I am the member for Toohey and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share. With me here today are John Krause, the member for Scenic Rim and deputy chair; Sandy Bolton, the member for Noosa; Mark Boothman, the member for Theodore; Jonty Bush, the member for Cooper; and Jason Hunt, the member for Caloundra.

The purpose of today's briefing is to assist the committee with its inquiry. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that departmental officers are here to provide factual and technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to kindly either turn their mobile phones off or to silent mode.

DOWNING, Ms Nicole, Executive Director, Policy Safety and Regulation, Land Transport Safety and Regulation, Department of Transport and Main Roads.

DRANE, Mr Michael, Acting Deputy Director-General, Department of Youth Justice

GEE, Mr Bob, Director-General, Department of Youth Justice

GOLLSCHEWSKI APM, Mr Steve, Commissioner, Queensland Police Service

IMPSON, Mr Jamie, Manager, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

MUDRYK, Ms Jessica, Manager, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

O'MAY, Mr Justin, Director, Strategic Policy and Legislation, Department of Justice and Attorney-General

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legislation, Department of Justice and Attorney-General

SHEARS, Mr Michael, Director, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

CHAIR: Welcome.

Commissioner Gollschewski: The director-general and I have decided we do not need to do an opening statement.

Mr KRAUSE: I am happy to ask the first question which is to anyone on the panel and is in relation especially to the additional submissions in which you made responses to the committee and the committee has now agreed to publish. Are there any additional issues that you would like to raise before the committee publicly today?

Commissioner Gollschewski: Not at this stage.

Mr Gee: Simply put, the submissions reiterated what had occurred in many other submissions. I think it is important to put the bill in the context of investment based on evidence and the work that the Youth Justice Reform Select Committee and others have done. I simply would point out that there is a significant investment that matches the legislative changes, I suppose, if that makes sense. I think that is in our response to you, but I thought I would put it on the record.

Mr KRAUSE: I want to ask a question which I do not believe has previously been asked and that is in relation to the commissioner issuing firearms protection orders. It is good that you are here again, Commissioner, so that you can enlighten us about this a little bit more perhaps. I wanted to ask, in the practicalities of this scheme that has been set up in relation to FPOs, will that power be delegated by you?

Commissioner Gollschewski: There is an ability to delegate that as per the Police Service Administration Act. At this stage it is anticipated it would not be delegated below superintendent level, which is district officer level in some instances. That is something obviously we would review as we go forward to see how it is working and there will be a policy framework around how that would work.

Ms Mudryk: There is actually a legislative requirement that the power cannot be issued to anyone below the level of superintendent.

Mr KRAUSE: There is a legislative requirement?

Ms Mudryk: That is right. It is in the bill that that is a requirement, acknowledging the importance of this decision-making. Certainly the scheme is subject to independent review at the two-year and the five-year mark so there is the opportunity to consider that further, but we have mandated that it must be superintendent level or higher.

Mr KRAUSE: I was going to ask whether there was any particular form of education or training that would go into that officer level delegation, but I guess that would come about from the policy creation process. Thank you for that. I was going to ask if it would be delegated to local constables, but that is clearly not the case. In relation to the court review of an issue of an FPO, you can issue an FPO for 60 days and a district superintendent could as well. If that FPO is not renewed or is overturned at the court level, will there be a compensation process or any type of redress for people affected by the actions of the issuing of an FPO in the first place—for example, if someone loses income or business income or other issues?

Commissioner Gollschewski: Nothing specific. I would suggest that does not preclude anything that is more broadly available under law, but certainly for this there is nothing planned.

Ms Mudryk: We do note that there are very specific requirements a decision-maker must consider in order to issue a firearms prohibition order, even if it is for 60 days, and we are confident with the expertise of our officers, particularly noting that it is superintendent level or higher, that they would be able to make that appropriate risk assessment. Certainly someone does have the opportunity to appeal, but the chance of anyone having any impact on their employment would be quite minimal because, as I think we have identified earlier, this particular scheme is not directed towards law-abiding licence holders currently and it is really focusing on individuals who represent a very serious risk to the community so they would likely have quite a high risk of committing an offence or a criminal history so it is appropriate in those circumstances under this scheme to allow that decision-making to occur.

Mr KRAUSE: You seem to be suggesting that no error will ever be made in the issuing of an FPO.

Ms Mudryk: I wish we could be able to have the opportunity to say that no errors ever occur. We are obviously all subject to human error, but there are a lot of safety measures that are incorporated into this scheme, acknowledging the significance of those powers, so we have tried to accommodate for the risks and acknowledge the impact it does have on individuals to minimise any adverse impact on the community and on the human rights of those individuals affected.

Mr KRAUSE: If an error did occur, which you just said may occur at some times, for someone who is in the business of pest control in rural settings and needs a firearms licence but will not then have one, the impact could be a degree of economic loss. What happens to them?

Commissioner Gollschewski: Just to clarify, there seems to be confusion around licence versus FPOs. I think at the last hearing we said quite clearly that a person who reaches the threshold for a firearms prohibition order, in consideration of that by the Queensland police, would not have a licence. We would have already taken action to remove that person's licence given the level of offending, given the criminal history, given the level of intelligence that is against them and violence.

The types of people we are talking about are people involved in major and organised crime, people who have very violent tendencies such as high-end domestic and family violence offenders and potential terrorists. I cannot imagine a situation where we are going straight to an FPO with a person who is holding a licence. I can give you multiple instances of people who have committed very serious offences, including licensed people, that even on review we would not have gone to an FPO because of the nature of what we knew before that offence occurred. This is a very unique situation in terms that it is around risk to the community posed by person. A firearm is an inanimate object. It does nothing until it is in the hands of a human being and we are talking about those human beings who pose the greatest risk to our community.

Mr KRAUSE: I do not recall the particular statement that you referred to, Commissioner, but thank you for pointing that out. I am happy to be corrected if that was made in the previous hearing. Thank you for that clarification as well. I am asking questions that are being raised with me and have been raised in some of the submissions. I raise an issue that I do not think we have spoken about previously: an FPO issued on the basis of criminal intelligence and the fact that some of that intelligence material may be able to be kept secret at any subsequent court process. There is an involvement of the Public Interest Monitor in this process, which is set out in the bill. Does that monitor themselves get to see the intelligence material that would be presented?

Commissioner Gollschewski: I will get Jess to talk to you about the actual process and how this will all work in the technical sense and then we can come back to you.

Ms Mudryk: There is an element of information that may be withheld because of criminal intelligence, and that is certainly not a new concept. It is already conducted in a number of other proceedings in other jurisdictions in relation to other matters, particularly if it is in relation to a security risk or public interest. I would note that firearm prohibition orders will still go before the court. The court will still have the ability to have oversight of that information and consider whether that information is appropriate to be withheld from the individual. There is certainly an opportunity to ensure that the appropriate balance is struck and there is that sufficient level of oversight. The Public Interest Monitor is not appointed to act during the litigation, acknowledging that the individual does have the opportunity to get legal advice to advocate for themselves in those particular circumstances. We will really be focusing on the overall operation of the particular scheme and taking note of how many orders are made, how many orders are made against children, how many orders have been appealed, and the general use and effectiveness of the scheme. There is quite a specific list of matters they must consider in the act in relation to that.

Commissioner Gollschewski: I can give you a real-life example. If we are operating in a terrorism sense, so we are looking at an individual who is radicalised and potentially posing a threat to our community, and we determine that a firearm prohibition order is an appropriate response, some of the information we will probably be dealing with is high-level intelligence from national security agencies and there absolutely will be restrictions around how we can use that information.

Ms BOLTON: We have heard a range of views from stakeholders regarding what the change to youth justice principle 18 will do. The statement of compatibility with respect to the amendment states there is no intention to change the law and the amendment does not engage any human rights. That was on page 12. Can we get some clarity? What does it actually do and is it changing the law?

Mr Gee: I think the explanatory notes are very direct. Unfortunately, you were not well at the last hearing, but I did point out on page 12 the same thing you have: the provisions are not intended to change the law; they do not engage any human rights. In particular, I reiterated the last sentence on page 12 of the explanatory notes which I think is important to note: 'Once a court has considered all options reasonably available, and if satisfied that other options are not appropriate in the circumstances, then detention can be imposed.' There is an important footnote there too which says, 'See for example R v STW [2022] QCA 241', which is the leading case. It essentially talks about the need for the court to consider other options before it imposes a sentence of detention, but it does not preclude detention being the first option.

In terms of strengthening the law, I think I spoke about the changes that occurred in 2021 and 2023 at the last committee hearing as well. Whilst it is difficult to analyse all of those sentencing outcomes, it is clear that the number of young people in detention in this state continues to climb more than any other state. Of those who are appearing at bail hearings in the first instance, 10 years ago one in four would be remanded and that is now one in three, so there is a 40 per cent increase in the number of young people who appear before a court and are remanded in custody. I am not sure I can add anything more.

Ms BOLTON: Would you consider that the concerns stakeholders are raising come from a lack of understanding; in essence, what they are seeing is that suddenly those other considerations are not coming into play and they are verbalising that it is as a result of removing detention as a last resort?

Mr Gee: The explanatory notes and the statement of compatibility are clear: it is a clarifying principle to make it absolutely clear to the community, as I understand it, that detention can be imposed as a first resort. The courts have always been able to do that, but this amendment is to make it clear to the community that detention is open.

Ms BOLTON: When the government established the Independent Ministerial Advisory Council, did they provide any feedback on this bill? Was that part of their role or is there an update on what they are doing?

Mr Gee: I am just trying to recollect. In terms of youth justice principles, they were not consulted on principle 18. Members of the IMAC were consulted if they were a member of the Youth Justice Reference Group, which is a reference group that has been longstanding since, I think, 2019. There are three or four members of the IMAC, the Independent Ministerial Advisory Committee, who are also on that reference group. From memory, we consulted with them about the amendments to the Youth Justice Act all through April and May a number of times. There were two or three Teams meetings, face-to-face meetings. For all of the provisions in this bill, if my recollection is right—and I think I said the same thing at the last hearing—we consulted, but not on principle 18.

CHAIR: The Human Rights Act 2019 contains express provisions with respect to the rights of a child subject to criminal proceedings, including the general right of a child to the protection that is needed in their best interests—section 26(2)—to the specific right to a procedure that takes into account the child's age and the desirability of promoting the child's rehabilitation, section 32(3). Can you please explain to the committee how the amendment to youth justice principle 18 and the sentencing principles with respect to detention as a last resort do not limit these rights?

Mr Gee: The first thing I would say is that the act needs to be read in its entirety, particularly all of those principles as you have rightly pointed out, Chair, and you are the lawyer.

CHAIR: It does not make me infallible.

Mr Gee: I am with you; including me. All of those principles need to be read together. The only thing I can add for the committee is that the explanatory notes and the statement of compatibility are clear around the intention, that is, to clarify principle 18. Minister Ryan formed the view that the bill is compatible with human rights, including the amendment to principle 18.

CHAIR: Do I understand from your answer that you would suggest to the committee that the principle does not limit the rights I just outlined?

Mr Gee: Could you read that question again? It was a long question. I think it was section 26 you were talking about.

CHAIR: Yes. I will not read the whole question out again, but it is the provisions of the Human Rights Act, specifically section 26(2), which needs to take into account the child's age as well as the desirability of the child's rehabilitation, which is section 32(3). What I am trying to understand is how the sentencing principles in relation to detention do not limit the rights I have just outlined in the Human Rights Act.

Mr Gee: All of those tests, as I understand it, are proportionate. All of the principles need to be read together. I do not know that I can add any more than what I have said.

Mr BOOTHMAN: Commissioner, my question is similar to the one I put to AgForce. In relation to clause 4 and the removal of online content, I understand the original intent of the bill is to deal with antisocial behaviour, hooning, young criminals et cetera, but there is a bit of concern when it comes to other groups such as environmental and landowner groups that potentially could be interfering with a lawful direction to access a person's property. Therefore, would any information that was put on social media to show what they were doing be encompassed by this bill? I am referring to section 745D(1)(b)(iii), removal notice, and interfering with or entering a property.

Commissioner Gollschewski: Obviously great effort has gone into making sure we do not capture people acting lawfully and otherwise going about their business.

Mr BOOTHMAN: I suppose my point is that throughout history some things are unlawful at one time but then obviously things change. I am just curious to see—

Commissioner Gollschewski: There has definitely been a great effort to make sure that it does not unintentionally capture things that should not be.

Mr BOOTHMAN:—because for people like Bob Brown and the Franklin River, if there had been the internet then—

Commissioner Gollschewski: Absolutely. We were worried about Neighbourhood Watch and those types of organisations.

Mr Impson: The amendments go towards the person who published the content glorifying the behaviour. As I understand your question, member, it would be around the person who has that property right and who does not agree with the unlawful conduct. In my view, it would be unlikely they are going to be glorifying the conduct. If they are posting something that is criticising the conduct then it would not fall within the scheme.

Mr BOOTHMAN: For example, when it comes to coal seam gas or Lock the Gate, even though there was a lawful direction that a company could access their property, they have locked their gates and they are doing everything they can to obstruct that person. They then put it on social media to glorify their own activities. Would they be encompassed by this legislation?

Mr Impson: It would turn on the exact circumstances of the matter. If the behaviour is unlawful and it meets one of the offence types listed in the section and the person posted it for the purpose of glorifying their conduct, it would be eligible for removal.

Mr BOOTHMAN: As an example, obviously there is a lot of angst when it comes to the Pioneer-Burdekin pumped hydro scheme. If those individuals in the future prevented lawful access to their properties and they glorified it on social media, would that be encompassed by this legislation?

Mr Impson: I cannot comment on the exact circumstance. If the person did commit an offence that falls within the section and they were glorifying the unlawful conduct then that would be something that is eligible for removal.

Mr BOOTHMAN: Whilst sometimes we do not agree with what environmental protesters do, if they are deliberately obstructing a lawful direction and they glorify it then they potentially will be subject to this legislation.

Mr Impson: It depends on the particular offence. For example, if they were committing unlawful trespass against the Summary Offences Act then that is an offence related to entering property and it would fall within the unlawful conduct.

Ms BOLTON: An issue that was brought up during the Youth Justice Reform Select Committee's inquiry is giving permission for a child, especially those who are vulnerable, to be transferred between the watch house and detention centre so that they can access education and rehabilitation. It says that the transfer is only able to be effected with the agreement of the child. How will that be handled when somebody has cognitive issues or is vulnerable? Sometimes it is difficult for good decisions to be made by those in that situation.

Mr Gee: Thanks for the question and I will throw to my deputy director-general in a second. Frankly, you will have seen in practice that that is an everyday occurrence in terms of how we deal with young people. We expect that provision will be very limited in how it is used. Townsville and Brisbane are the only places at this stage where we have detention centres. Of course, there will be Woodford and eventually Cairns. If the build continues the way it is and we have those extra 76 beds at Wacol, we are very hopeful and confident—we cannot always predict the future—there will be sufficient beds for young people not to be in watch houses by the end of this year.

Nonetheless, we think it is a sensible provision to allow young people—and I note that the Human Rights Commissioner is supportive of the provision—to be transported by youth justice in and out of a watch house to a detention centre so that they can be given better access to programs and health assessments. We think the numbers will be very limited. How we interact with children is based on the capability of staff who are well disciplined and well trained. There is always room for improvement in that space. Do you want to add anything, Michael? I am conscious of the committee's time.

Mr Drane: As the member is aware, there is a principle in the Youth Justice Act that decisions about the child should involve the child in that decision-making. We give effect to that and that is reflected in this provision. As the director-general said, staff are very adept at eliciting capacity or underlying incapacity if that is the case. We work with specialists and professional resources to determine that that young person knows the decision that has been made. It stands to reason practically that we would not want to force that outcome if that young person was not minded to undertake services at that point in time. That is a different proposition from their admission into a detention centre proper which would proceed in the ordinary course of events until the next court appearance.

Ms BOLTON: Ultimately, if they are in a watch house they could say no and there would be no avenue for the benefit of that child to receive rehabilitation. There is no avenue if they do not give agreement.

Mr Drane: For a temporary leave of absence to a detention centre we would involve stakeholders, namely their family or a legal representative, to attempt to explain to them how that might be in their best interest.

Ms BUSH: I come back to questions around the Human Rights Act, and Bob this is probably to you. You can see from the submissions that we have a lot of people with different views on that and I think it is worth fleshing out. Picking up on the questions from the members here today, to put a fine point on it the department's position is that there are no human rights implications in the bill. That stands opposed to some submitters' views that there are human rights issues contained in this bill. Is the department's interpretation of the bill, as it stands, that any kind of impacts on human rights are reasonable and justified; is that right?

Mr Gee: My understanding is that the test is for the minister who introduces the bill. Clearly the explanatory notes and the statement of compatibility are clear that that is not the intention, that it is a clarifying principle, but that test is for the minister. The only thing I could add is that the case law is clear in terms of the principle itself. At common law, the issue of detention as a last resort is longstanding. Human rights are always a balance, but all I can say is that the minister who introduced the bill has formed the view that the provisions are compatible, on balance, with human rights. That is not to say that at any time in the future someone else might have a different view and they have a whole range of avenues open to them. I am not sure I can add any more than that.

Ms BUSH: That helps me to understand. Thank you for your response. I am sorry if I am repeating the question of the member for Noosa as I might not have heard it correctly. There have been some issues or concerns raised around whether there might be legal impediments to getting young people from watch houses into detention centres, recognising that the person in a watch house has the right to a presumption of innocence. Are there impediments operationally? If the bill were to pass, do you anticipate any issues in its implementation?

Mr Gee: A couple of submissions suggested that in those provisions that are specific to the temporary transfer from a watch house to a detention centre there is an issue of fairness. I would be the first to say that the demographics of Queensland create a sense of unfairness. If you are in Charters Towers, Doomadgee or Mornington Island then it is impractical for us to be able to transport you directly to a detention centre to get some services. Nonetheless, on balance, the legislation proposes that young people who are within a reasonable distance to Townsville and Brisbane could be transported day to day, because they will be returning to the watch house that night. The point is that in the detention centres there is no room for them to stay overnight. We think it is worth putting in all the resources we can for that very small number and I would reiterate that it is a small number. The investment in terms of new beds will hopefully rectify that situation.

In terms of the normal provisions about taking any defendant, any young person, to a court or detention centre, I am very confident that we have all the powers, the training and the ability to move people and the Police Service do great work. Frankly, if we do not, and rightly so, the presiding justice through the judge administrator or the Chief Judge of the Childrens Court lets me know very directly. They have my mobile number. I pay tribute to all of the people who do that job so well given the very limited number of injuries to young people in this state. It is a very impressive result operationally.

Ms BUSH: In terms of transferring young people temporarily into BYDC or CYDC, do you anticipate any disruption to those who are already detained there? I am thinking about whether this is going to cause disruption to those young people. That is to you, Bob, sorry.

Mr Gee: No problems at all. I am sure Michael will go to it but that is normal business continuity planning. At any time we could have a change in numbers. It is a dynamic situation. We plan for those sorts of scenarios. Did you want to add anything, Michael?

Mr Drane: Only that, no, we do not anticipate there being any impact at all. The specialist services that exist, as we talked about in the last committee hearing, are predominantly the primary health assessments, the secondary mental health assessments and the education assessments and all of those can happen irrespective of the capacity of the centre and without impeding on the normal day-to-day service delivery.

Mr Gee: I might add that it makes much more sense to be able to take these young people to where the primary health services are, rather than to impose on police to take them in and out. It is a big impost to make sure we are giving young people the best health care we can. For this very small

cohort, we think taking them out to a detention centre to get some of those services, where there is an X-ray machine, as an example—rather than line up at a busy emergency department which would have an impost on police and health. It is for the committee to consider but we think it is worthwhile.

Mr KRAUSE: My question is in relation to one of the youth justice reforms and the related transfer of detainees between different centres. Director-General, are you aware of any concerns about the constitutionality of these transfer provisions?

Mr Gee: No, but if someone had a specific issue and could provide information then I would be happy to have a look at it.

Mr KRAUSE: The next question is about the knife prevention laws. Commissioner, you may have seen AgForce's submission and they made an appearance here this morning. They raise concerns about the impact of knife crime prevention laws on farmers and people in rural industries who routinely carry pocketknives. How would you respond to those concerns?

Commissioner Gollschewski: Again, I will bring people up who have more detail. My understanding is that people who are lawfully able to carry knives publicly are able to still do so. Particularly given the areas that this applies to, it is difficult to see how a rural property would come into scope. Clearly the act also allows for people—maybe not in this forum but as mentioned previously—who might purchase a knife at a shop to be able to get it home. There are allowances for that sort of thing. I do not think there would be any concern for anyone working on a rural property using a pocketknife.

Ms Mudryk: There is an amendment to section 51 of the Weapons Act that deals with possessing a knife in a public place or a school but that amendment is just in relation to increasing the penalty for that particular offence; the operation of the offence does not change. If someone has a reasonable excuse to have that knife within their possession in a public place then that will continue to operate as it already does. For example, if a farmer has a knife for legitimate purposes and they happen to be in a public place, there will continue to be a reasonable excuse provision for that. There will be no changes to how it is currently operated in practice.

Commissioner Gollschewski: It is similar to fishermen with a fishing knife; they are all protected.

Mr KRAUSE: The other question I have is about the changes to the low-range drink driving provisions. Who is the best person to answer that?

Ms Downing: Nicole Downing, executive director, policy safety and regulation at the Department of Transport and Main Roads.

Mr KRAUSE: I have a question about how the change will work for low-range drink driving. At the moment most people in that range, as I understand it, go to court and this new provision will mean they can still opt to go to court but the reality is—as I note from the answer to a question on notice that I asked—it is estimated that a lot of people will take the fine and the automatic suspension. How would you answer concerns that this new system minimises the serious nature of drink driving as an offence because there is no date with court and, in some ways, it reduces the stigma that is associated with it? Has that been considered in formulating this offence provision?

Ms Downing: Yes, we have considered those impacts. On balance, one of the reasons why it is only low range is to manage that potential negative impact that it is not seen as serious and balancing police time in court. The numbers that we are looking at are about 5,000 based on current drink driving. We expect about two-thirds of those will pay straight up and take their two-month suspension. We will evaluate it one to two years post implementation to test that.

Ms BOLTON: Commissioner, regarding online content and the calls for grants powers to police to issue a removal notice in respect of online content, the definition of 'glorifying' has been raised a couple of times because it is not in the bill. How will QPS assess whether a glorification has occurred?

Commissioner Gollschewski: Without the definition in the act it goes to the common understanding of what that word means, and how we introduce this is through training of our people to understand the legislation properly and how to enforce that, with interpretive advice around what that should mean. Generally, we try to give examples of what that might look like in how we bring people forward on that. I am happy to go to our team. I think it is Jamie again who is across this, so he will give you more detail if you want to hear about how we would roll that out.

Ms BOLTON: Thank you.

Mr Impson: I can only add a little bit to what the commissioner has said. The term will take its ordinary meaning in the context of the provision. The *Macquarie Dictionary* defines sense 1 of the verb as 'to magnify with praise; extol'.

Ms BOLTON: Okay; thank you. Commissioner, earlier issues were raised with the verification checks regarding ammunition when the QPS server, which supports the online licence check system, is down. Obviously, people within communities raised that as a concern. How would that be dealt with in not only those situations where connectivity is not good but also other situations like network outages, disasters et cetera?

Commissioner Gollschewski: There is specific allowance for that. If the system is out, the offence is not complete if they do not do it. Jessica can give you that information. There are a lot of different iterations of that—whether it is the police server that is out or whether the actual operator has a problem in their area with, as you said, disasters and that kind of thing. That has been thought through, but Jessica can give you more information.

Ms Mudryk: In the new section 43A that is inserted into the Explosives Act, 43A(3) states—

For this section, a verification system is available for use if the server for the system is operational.

I note there was some concern regarding the word 'server', and if the actual webpage is down it is intended to cover that. To clarify, it would not currently cover a situation if the issue is on the front end of the seller—if they are having computer problems, for example, and their computer was not available in order to be able to utilise that verification system—but it does incorporate if there is a concern on the end of the Queensland Police Service, with the server not being available or the webpage not being available, or in a circumstance if it is from another jurisdiction's particular site where that site is not available.

Ms BOLTON: Okay, so there could be difficulties, for example, if the outlet itself was having its own issues with connectivity?

Ms Mudryk: If the seller has lost internet, that may be a concern that they cannot access the particular verification site. If the issue is because, for example, the Weapons Licensing unit is doing maintenance on the particular website—I understand that was an issue that was raised several times—that would not then constitute the server or the site being available.

Ms BOLTON: Thank you.

CHAIR: I go back again to the statement, and I take on board what you have said in relation to page 12, but what do you say to the stakeholders who disagree and say that it does breach the Human Rights Act?

Mr Gee: I cannot add too much more to the answer I have already given but that the minister who introduced the bill has turned his mind to that and, on balance, thinks it is compatible.

CHAIR: All right. I have something else which I am struggling to articulate, so bear with me, but it is not about the Human Rights Act. In relation to the wanding legislation, which—and correct me if I am wrong—is sections 39C(1) and 39C(2), I refer to the words 'the senior police officer may issue an authority'. The proposed amendments would appear not to be linked by the words 'and' or 'or', so it is unclear how they sit with the requirements that are set out in 39C(2)(a) to (c), which stipulate when an order can be made for the scanning to take place at a shopping centre. I think there needs to be a link in the police powers act in relation to when these orders can be issued. Whilst it is clear under one section of the act—39—it is not clear under the second part of it, which basically would mean that they do not have to consider the other things that are considered earlier to provide that order to conduct a wanding.

Commissioner Gollschewski: I will go to Michael shortly, but just—

CHAIR: Did I make that as clear as mud?

Commissioner Gollschewski: Yes, very much so.

Mr Shears: I think I followed it.

Commissioner Gollschewski: It makes it really clear around what the commissioned officer or the senior officer has to consider in terms of what has happened in the last six months, the types of offences and what is at their disposal. We will go to Michael in terms of that linkage to the other section around how to clarify that.

Mr Shears: If I understand the question correctly, at the moment, as the act currently stands, the wanding provisions, so Jack's Law, extend to safe night precincts and public transport stations and there is a threshold that has to be reached before the authorising officer can make that authorisation. I will not read that out because that will take some time.

CHAIR: No.

Mr Shears: This bill introduces some additional premises or locations that can be captured, and that is trains or light rail vehicles travelling on a stated rail line and public transport stations along the line, shopping centres and sporting or entertainment venues. For those three new areas, they rely on the existing threshold that the authorising officer has to be satisfied of. It also introduces two new areas or premises—that is, retail premises and licensed premises—and they each have their own standalone threshold. It is the existing threshold that the authorising officer has to be satisfied of plus an additional threshold which has to take into account the opening hours of the premises and whether or not particular offences have occurred there in the past, so it is an 'and' for those additional premises that goes above and beyond the existing threshold. I hope that answers the question.

CHAIR: Yes, but my suggestion is that there is no 'and' or 'or' and you are saying there is.

Mr Shears: That is our reading of the bill.

CHAIR: Thank you.

Mr BOOTHMAN: My question goes to clause 85, which is to do with the electronic service of documents. For many years I have heard many residents complain about the service of documents through the Australia Post system, stating that it should be registered post so that they could sign it off and be guaranteed to get their notice, so to speak. With the electronic service of documents, I am curious to know and understand the system the Police Service will use. Obviously there are a lot of concerns when it comes to regional and remote areas with the lack of internet. A person may move from Brisbane to regional Queensland or the Torres Strait Islands et cetera. What type of system will be used? Is there a methodology in the system to ensure the document is sent and received, because a lot of mailing systems have a formal receipt to show that the message has been received and opened? Is that something that will happen with this system? Can you elaborate?

Commissioner Gollschewski: Obviously, the bill prescribes what documents can be served. There is then a process that our police will have to go through, including recording agreement to do that. If we think about some of our more remote communities, including First Nations communities, there is going to be a lack of availability to do that. Without that availability, the service cannot be used, so we revert to normal service of documents in those instances. The onus will be on our police up-front to work out, firstly, whether it is technically possible and, secondly, whether the person agrees to doing it that way. One of the things we want to achieve is follow-up documentation that may have to be served. Once we have the approval to do that and it works, we can continue to do that. First of all, it is a question of what can be served. The second thing is about the knowledge of the person who is being served upon and then also the technical ability to do that. That is going to vary fairly significantly right across the state. It will depend on the circumstances.

Mr BOOTHMAN: Will there be any redundancies to ensure that person has received that mail? For instance, would the police officer know that the mail has been received?

Commissioner Gollschewski: This is again about the agreed approach in terms of email service and those sorts of things and how you do that, so there will be a systems recording of how that occurs. We already do this with e-ticketing in terms of our penalty infringement notices, and have done for some years, and that works quite effectively in terms of service on people more broadly, so similar systems. I alluded to it briefly, but they have to give consent under that and then how that happens.

Mr BOOTHMAN: Yes, I understand that. It is just one of the biggest bugbears as an MP because over the years we get a lot of people say, 'We never received that mail,' et cetera.

Commissioner Gollschewski: We will be asking our officers to record it on their body worn cameras to make sure this is all formalised, but the person has nominated the person's unique electronic address for service by electronic communication. There may be those who choose to give us something false, but that is a different approach as opposed to someone who is doing the right thing.

Mr BOOTHMAN: Yes.

Ms BOLTON: Director-General, as a bit of an aside with regard to the Justice Reform Office, what was their role in the development of this bill, or do they have a role or were they consulted?

Mr Gee: Yes. In terms of our work, the *Cabinet Handbook* is clear. While I am the director-general we will consult with all relevant agencies—with Justice and Attorney-General, one of the key agencies we consulted with full stop. I do not know that I can add any more than that. The JRO of course is one component of a broader Department of Justice and Attorney-General.

Ms BOLTON: In line with the Productivity Commission's recommendation for it to be independent, it is independent?

Mr Gee: The Justice Reform Office?

Ms BOLTON: Yes.

Mr Gee: I think that is a question for the Attorney-General to answer, but my view of the world is that the independent ministerial advisory committee is getting significant support, and the chairs of that committee have been very open about the support the JRO is providing in terms of the depth and the work ethic that has been displayed.

Ms BOLTON: Thank you.

Mr HUNT: Commissioner, getting back to e-services but zeroing in on electronic signatures, are you able to outline how the situation changes and if it makes it easier in terms of frontline service delivery for the officers?

Commissioner Gollschewski: For instance, we issue 247,377 notices to appear in a year—2022-23—and they take anything between 10 minutes and four hours, so going to an online electronic system is one thing in terms of allowing us to serve them electronically. Of course, electronic signatures are part of that in terms of availability. I did it recently—built a house based on electronic signatures.

Again, I can give you a real-world example. I can talk about a situation in Cairns recently where our members tried on 12 occasions to serve documents. They physically had to go to a location. These are documents that now we could serve, as well as signing them, electronically. This is where the electronic signature comes into it. On each occasion they burned up somewhere between 45 minutes and an hour trying to locate someone they could not locate. When you aggregate that in terms of opportunity costs for our members, they are not doing proactive patrolling or anything in that space. They are spending all this time trying to do a very simple administrative task that is very difficult. This streamlines it. In terms of the actual time savings, that is something we will monitor as we go, but we know that that is all going to be part of that system—end-to-end online electronic signatures.

Mr HUNT: Anecdotally, though, with the example that you gave, you are talking about the saving of 10 to 12 hours just for the serving of documents?

Commissioner Gollschewski: Yes. The locals costed that out as a $500 cost each time they did that. As a pure resourcing impost, it is significant. When you see the numbers there just for one document that is in scope, you are talking about significant savings there.

Ms BOLTON: This is a broad question and anyone can answer. Do you think there is anything we have not touched on that we should give consideration to while we are doing this inquiry into this bill? Is there anything you can see that we are missing?

Commissioner Gollschewski: That is a great question, member.

Ms BOLTON: I know. Sometimes we get a little close to the trees.

Commissioner Gollschewski: There is obviously a lot in scope. There are some different things—hence the very big group of people here trying to advise to it. What we are seeing are things that are critical for us. I am talking from a policing perspective. Intersection with Youth Justice in particular going forward will help improve the system. We have seen some improvement already. We are talking about young people in watch houses. I think today we have 26 in watch houses. We do not want any. As this system gets better, the fewer people in there the better. It is all about taking some opportunities to improve the system. From my perspective, it is all about community safety—hence things like FPOs that we think are critical.

Mr Gee: The only thing I would add would be the great challenge for the committee and for us—we do not set policy; we implement—in terms of implementation is to see where these amendments fit in BAU. Reading these amendments with the various acts and how they are currently operating is a challenge. Of those 26, 13 are fresh arrests—13 young people looking for a bed. If those beds are built before Christmas, there would be no young people in watch houses. Thanks for the question.

CHAIR: I will attempt to clarify this question again. The amendments proposed by the bill to section 39C(2) do not include any amendments to the existing parts of section 39C(2) of the Police Powers and Responsibilities Act.

Mr Shears: I just want to clarify. It does amend section 39C(2). It does not amend the part of section 39C(2) that is relevant to the existing threshold of when the authorisation can be made.

CHAIR: In relation to the proposed amendments that give a senior police officer the authority to use handheld scanners in retail premises that are not in a safe night precinct, shopping centre or sporting or entertainment venue, without considering any of those factors that are outlined in section 39C(2)(a) to (c)—is there a possibility that an order could be made without taking those factors into consideration?

Mr Shears: Perhaps the furthest I could put it is that that is not the intention of the way it is drafted at the moment. It is intended that when the licensed premises and the retail premises are being considered for an authorisation the authorising officer has to be satisfied of the existing threshold plus the heightened threshold that is in what will be then section 39C(2)(d) and (e). I do acknowledge your concern. I can say that we work with Parliamentary Counsel. They are very good at what they do. Perhaps I could take that one and discuss that further with Parliamentary Counsel and get back to you as a question on notice.

CHAIR: That would be more than satisfactory. Thank you.

Mr Shears: We will do that.

CHAIR: I had to have two goes at it myself.

Ms BUSH: Commissioner, a few submitters have raised the concern or the issue that we are trying to achieve our Closing the Gap targets and drive down the over-representation of First Nations children in detention. We are all in fact responsible for that—from those interacting with them in a child protection sense to health. Obviously there is an intersection there between First Nations kids and police. There are some concerns around the use of wanding in that it may be applied disproportionately to First Nations children. I just wanted to give you the chance to speak to that.

Commissioner Gollschewski: There are a couple of things. Firstly, we are very particular to make sure that when wanding happens it is randomised. It is location based rather than people based, so we are not targeting any particular group of people. That was certainly something that came up in the original evaluation of the first part of the trial that we have addressed, and we have deliberately addressed internally around how we do that.

Over 500 weapons have been located, so it is successful in terms of identifying weapons. What you will never know is how many offences that has prevented, but it is a good start. What is important is the deterrent. It is a bit like our road safety campaign 'Anywhere. Anytime'. If you are going to be in that place where the declaration is being made and we are wanding, anyone should be subject to that. Obviously we are worried about young people with knives, but we are very particular about not being race based or culture based. Bearing in mind that our officers now pretty well all exclusively wear body worn cameras, we are in a position to review those types of things.

The other thing I wanted to say is that we are really committed to changing as an organisation. Our First Nations division has been established this year. We are recruiting more capability into that area and more people into that area. That is about the organisation working collaboratively with the First Nations community to make sure we can do whatever we can do to reduce that over-representation going forward.

Ms BUSH: We had the gentlemen from the Shopping Centre Council with us this morning. It got me thinking about how this is going to work in terms of implementation. Obviously we still want shopping centres to be inclusive and inviting for young people who sometimes do not have a lot of free options. Do you have any early views around how the additional powers to wand in those areas might be rolled out in terms of having the opportunity perhaps to have good conversations with young people?

Commissioner Gollschewski: There are a couple of things there. One is that we worked collaboratively with the National Retail Association in developing this, and we launched it with them. Some particular larger retail outlets have been very much engaged in that. It is not just about the wanding; it is also about some of the other things we are doing in terms of the availability of bladed weapons and reducing that. That is the first thing.

The other thing is the threshold you have to reach before it can be determined that it is an area where we will run one of these wanding operations. It has to meet that threshold, but we will also be doing crime analysis around the areas where there is significant threat or increased risk and targeting those areas. We are very much on the front foot through some things like operations Legion, Guardian and Unison about high-visibility community engagement policing as well—having the conversations with people in those areas; having operational police deploying into that; engaging, not just enforcing and not just wanding.

It is a coordinated role in terms of increasing the visibility and effectiveness of our police in those areas. I see it as a real positive for those shopping centres in a preventive sense. I would be really pleased if we did not find any offences because we are actually preventing them.

Mr BOOTHMAN: Going back to my original line of questioning, which was to do with the removal of particular online content, does that also include content which is potentially produced in another state yet viewed in Queensland?

Commissioner Gollschewski: I will bring Jamie up to the table to answer that one specifically.

Mr BOOTHMAN: The bill says offences against a Queensland act, but it could potentially be in another state where the crime or unlawful conduct is committed.

Mr Impson: The scheme does cover content that occurs anywhere in the world. If it was something that is an offence against Queensland law, the authorised officer must be satisfied the material depicts conduct that constitutes an offence against an act of Queensland. The material must have a connection to Queensland by either having happened in Queensland or being posted on the online service by a person who was in Queensland or ordinarily resident in Queensland.

Mr BOOTHMAN: So it can be anywhere in the world?

Mr Impson: Yes. We will develop guidance material to support authorised officers exercising discretion not to issue a removal notice in respect of conduct which is likely to have been lawful in the jurisdiction in which the act or omission occurred. However, it may be difficult in some circumstances to determine where conduct occurred. This may be so, for example, where the material constitutes a video that was filmed indoors with no clear indication of a location.

CHAIR: That concludes this public briefing. Thank you to everyone who has attended today. Thank you to our Hansard reporters. Thank you to the secretariat. Thank you to my committee members. A transcript of these proceedings will be available on the committee's webpage in due course. Michael, I am going to get the secretariat to write a letter to you setting out what I was trying to articulate verbally.

Mr HUNT: And couldn't.

CHAIR: Yes and couldn't. That would probably be helpful. Thank you, everyone. I declare the public briefing closed.

The committee adjourned at 12.27 pm.