

Queensland Police Union of Employees

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2 December 2022

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane Q 4000
Email: cssc@parliament.qld.gov.au

Dear Committee Secretary,

Re: Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022

Thank you for the opportunity to comment on the *Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022* (the Bill). The Queensland Police Union (QPU) represents over 12,500 police officers, watchhouse officers, liaison officers and band members throughout Queensland. The QPU has been consulted extensively on the provisions of this Bill which touch on policing and we wish to acknowledge that.

The Bill contains a number of proposed amendments which will bring the PSAA and PPRA into line with modern drafting practices, and really afford no change to the legislative intent.

The QPU welcomes the changes made in the Bill which will ensure procedural fairness for police officers named as respondents in an application for a protection order made under the *Domestic and Family Violence Protection Act 2012*. The bill brings the *Domestic and Family Violence Protection Act 2012* processes in line with other matters. This will ensure that the benefits gained through delaying the start of a disciplinary proceedings until a related criminal proceeding is finalised in previous legislative reforms will now also apply in instances where there is a disciplinary proceeding, and a related application for a domestic violence protection order naming the subject officer as the respondent.

There are, however, two series of amendments which are particularly important in the eyes of the QPU. The first is the proposed amendments to s10.1. Part 10 of the PSAA largely deals with how the Queensland Police Service (QPS), and police officers and staff members, use

and disclose information. The proposed new amendments completely revamp s10.1 making it clear that confidential information can be used for the purposes of performing policing functions. They define what constitutes confidential information, and they provide for a useable offence for information misuse.

Under the existing provisions there is no clear definition for confidential or privilege information. Changes to provide a clear definition in line with that used to define “personal information” within the meaning of the *Information Privacy Act*. These amendments will make it clearer to not only QPS personnel, but also the public, as to how information in the QPS’ possession can be lawfully used.

An important amendment which supports the new *unlawful use of information* offence is the proposed provision which allows a prosecution to be commenced within one year of the offence occurring, or within six months of it coming to the knowledge of the investigating officer. This is a significant change, as under the existing provisions an investigating officer only has one month to commence proceedings where the offence is detected more than a year after it occurs. This change recognises the length of time an investigation into information misuse offences can take. It recognises information extracted from the police computer system QPRIME security logging software is complex and often requires expert assistance to decipher. It means members of the public can be more confident that people who misuse police information are able to be brought to justice. It also means those who do offend are dealt with for a specific offence designed to capture their behaviour, rather than a generic computer hacking offence which was not intended to be misused or released.

The other provisions which are significant are the summary dismissal provisions. These provisions operate where an officer or recruit is convicted and sentenced to a period of imprisonment, whether or not it is wholly suspended. The effect is such that an officer is taken to have been immediately dismissed on conviction. These provisions are really a codification of existing case law from QCAT, which effectively provided there was no place in the police service for officers sentenced to imprisonment, including wholly suspended imprisonment.

However, these provisions mean the Commissioner does not need to commence a separate discipline investigation, with subsequent discipline hearings to dismiss such an officer. Whilst an officer in this position would undoubtedly be suspended without remuneration for the length of the investigation and proceedings, and would hold no police powers, the fact remains such people are still technically employed by the service until terminated under the disciplinary

regime. These new provisions remove the need to conduct a discipline investigation and proceedings, and have effect instantly.

The proposed amendments are however balanced by provisions which revoke any dismissal and deem it to have never occurred in circumstances where the conviction is overturned on appeal, or where the sentence is reduced to one other than imprisonment. A discretion is then invested in the Commissioner as to whether to undertake disciplinary action or not, and whether such officer should receive any back pay for the period they were purportedly dismissed, which was later overturned.

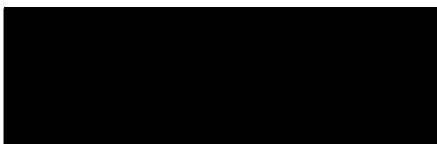
With respect to changes made to delegations under the *Weapons Act 1990*, the QPU welcomes the proposed changes. The community expects a high degree of caution and expertise to be deployed around the licensing of weapons in the community, the QPU notes, however, that license owners and those who seek to become license holders want a system that is robust and timely.

The Bill will allow the Commissioner, an executive officer or a commissioned officer to delegate to a police officer or a QPS staff member the licensing functions of an authorised officer under the *Weapons Act 1990*. The QPU are satisfied that this will ensure the technical knowledge required to make licensing decisions will remain and timeframes around license applications will benefit.

Overall the QPU supports the Bill in terms of its proposed amendments to policing legislation. It is really beyond the scope of the Union's role to comment on the remaining amendments.

I am available on 3259 1900 should you wish to discuss this matter further.

Yours faithfully,



SHANE PRIOR
A/GENERAL PRESIDENT & A/CEO