



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP—Chair
Mr MJ Crandon MP
Mrs MF McMahon MP (virtual)
Mr DG Purdie MP

Staff present:

Ms J Langford—Committee Secretary
Ms M Salisbury—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL 2022

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 13 DECEMBER 2022

Brisbane

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The committee met at 12.03 pm.

CHAIR: Good afternoon. I declare open this public briefing for the committee's inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today, the Yuggera-speaking people, and pay our respects to elders past and present. We are extraordinarily fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples.

My name is Linus Power. I am the member for Logan and chair of the committee. Other members of the committee here today are Mr Michael Crandon, the member for Coomera; Mrs Melissa McMahon, the member for Macalister; and Mr Dan Purdie, the member for Ninderry. Mr Ray Stevens, the member for Mermaid Beach and deputy chair, and Mr Adrian Tantari, the member for Hervey Bay, are today unfortunately an apology.

The purpose of today's briefing is to assist the committee with the inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022. The briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence.

I remind members of the public that they may be excluded from the briefing at the discretion of the committee. I also remind committee members that officers are here today to provide factual and technical information on the bill. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

The proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website and social media pages.

Officers, the committee obviously was very moved by the events of yesterday. We spoke about it in our earlier committee meeting. I would like on behalf of the committee to extend our condolences to the Queensland Police Service, who have lost colleagues and friends in the tragic events that occurred yesterday in the Western Downs region. It was the toughest day for the police family in living memory and we are reminded constantly of what the Police Service stands up to do for us as Queenslanders, to keep us safe. Thank you.

BRIGGS, Detective Acting Chief Superintendent Colin, Intelligence, Crime and Intelligence Command, Queensland Police Service

BROWN, Mr Anthony, Director, Legislation Branch, Policy and Performance Division, Queensland Police Service

STREAM, Acting Chief Superintendent Christopher, Road Policing and Regional Support Command, Queensland Police Service

WILSON, Detective Senior Sergeant Andrew, Legislation Branch, Policy and Performance Division, Queensland Police Service

CHAIR: Thank you for agreeing to brief the committee today. I invite you to make some opening comments, after which committee members will have some questions for you. Although technically the opening comments should be about the bill, if there are any comments noting the events of yesterday we understand that it is worth saying those important words about your colleagues.

Mr Brown: Thank you for the opportunity to brief the committee today on the bill. It is fair to say that all members of the QPS are feeling shocked and numb today after last night's tragic events. Two members of the QPS family—constables Matthew Arnold and Rachel McCrow—were ruthlessly
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gunned down. We wish to place on the public record our sadness and pay our deepest respects to those brave young officers and send our sincere condolences to their families and friends. We acknowledge that a member of the public was also callously murdered. Likewise, we wish to send our condolences to his family and friends.

Commissioner Carroll has asked me to pass on her apologies for her inability to attend today. Ordinarily either the commissioner or one of our deputy commissioners would be here to brief the committee. The commissioner and all members of the QPS executive leadership team had been planning to meet at Redcliffe today and tomorrow. That event has now been cancelled to allow our executive leaders to respond to last night's tragic events.

The commissioner has asked me to make some opening remarks on the bill on her behalf. Before I do that, I will introduce my colleagues who are with me today. Senior Sergeant Andrew Wilson, also from the QPS Legislation Branch, is the instructing officer on the bill. Detective Acting Chief Superintendent Colin Briggs is from our Crime and Intelligence Command, and he is a subject matter expert on elements of the bill relating to reporting periods for reportable offenders, controlled activities and controlled operations. To my left is Acting Chief Superintendent Chris Stream. Chris is from our Road Policing and Regional Support Command, and he is a subject matter expert on elements of the bill relating to hooning. There are also some other QPS members in the cheap seats behind me.

I begin by providing the committee with an overview of the bill and providing some information about the policy context that sits behind the amendments. In terms of what the bill does, the bill makes amendments to four key areas. Firstly, there are amendments to enhance the capability of the QPS to protect children. Secondly, the bill improves the ability of the QPS to investigate financial cybercrime. Thirdly, the bill amends the PPRA to enhance the capacity of the QPS to investigate organised crime by facilitating the use of civilian participants in controlled activities in certain limited circumstances. Finally, the bill amends transport legislation and the Summary Offences Act to strengthen hooning laws.

An important pillar in the protection of Queensland children is the Child Protection Offender Registry. It seeks to monitor offenders who have demonstrated a propensity to commit offences against children. As at 31 October 2022, there are 3,971 reportable offenders being managed by the registry. Between 1 January and 31 October this year, 881 reportable child sex offenders have been charged with 2,183 offences for breaching their reporting obligations.

The bill proposes to strengthen the monitoring of reportable offenders in the community by increasing the reporting periods from five years, 10 years and life to 10 years, 20 years and life. The extended reporting periods will only apply prospectively, not retrospectively. These amendments will mean that reportable offenders are subject to reporting obligations and the supervision and monitoring of the Child Protection Offender Registry for longer.

The bill also amends the PPRA to add certain offences against the Child Protection (Offender Reporting and Offender Prohibition) Act to schedule 2 of the PPRA. Schedule 2 is the list of offences that trigger the capacity of police to apply to a Supreme Court judge or the Controlled Operations Committee for a surveillance device warrant or a controlled operations authorisation respectively. In the case of the offences relating to reportable offenders, this power will allow a police officer to apply to a Supreme Court judge for a surveillance device warrant. If the warrant is issued, police would then be able to use technology to monitor the physical movements of a reportable offender suspected of committing these offences. For example, there may be a reasonable suspicion that an offender subject to a prohibition order is breaching the order by engaging in certain behaviour or going to certain locations. The capacity to track the movements of offenders to gather evidence will be of great assistance in such cases.

In addition, the bill amends specific Criminal Code offences to schedule 2 of the PPRA that are frequently seen in the context of financial and cybercrime. Between January and July this year, Queenslanders reported \$32 million worth of losses to scams and made 16,396 reports to Scamwatch. Financial and cybercrime offences not only have a significant direct impact on Queenslanders; the proceeds of financial crime are often used to facilitate other types of organised crime. By adding these offences to schedule 2 of the PPRA, the QPS will have a greater capacity to address organised instances of these offence types through the use of controlled operations and surveillance devices where existing legislative requirements and approvals are met. The amendments to schedule 2 simply provide police with a capacity to apply for a surveillance device warrant or for a controlled operation authorisation. They do not alter current approval processes for these investigative tools.

The controlled activity provisions of the PPRA provide a legislative framework for police officers to obtain evidence of controlled activity offences by engaging in conduct that involves communicating with a person in a way that conceals the purpose of that communication and engaging in conduct that might otherwise be an offence were it not for the existence of the controlled activity authorisation. These are important provisions that facilitate the use of covert strategies by police. Unlike controlled operations, controlled activities are used in circumstances that are less complex and are not ongoing.

The amendments in the bill will facilitate the involvement of a civilian in a controlled activity in certain limited circumstances. The level of participation is limited to ancillary conduct such as conspiring with, enabling or aiding a police officer to engage in controlled activity. In other words, a civilian participant can only be authorised to engage in conduct that assists a police officer in undertaking the controlled activity in appropriate and limited circumstances. Generally this will be as simple as an introduction or by some other conduct that is designed to support the covert police officer's cover story.

The cost of road trauma in Queensland is significant. The Queensland Road Safety Strategy estimates that the economic cost of road trauma in 2020 was \$6 billion and accounts for almost 15 per cent of hospital admissions. That is to say nothing of the personal cost to Queenslanders who are directly affected by the tragedy of a death or a life-changing disability caused by injuries on our roads.

The emotional and psychological costs of such events are, of course, immeasurable. Recent road toll figures are sobering. There have been 274 fatalities in Queensland this year. That figure represents a 16.6 per cent increase against the previous five-year average. We know that younger drivers are disproportionately represented in deaths on our roads. Inexperience and risk-taking behaviour is a combination with tragic consequences. The road safety strategy tells us that each year drivers aged between 17 and 24 are involved in one-quarter of fatal crashes on Queensland roads and that more than 2,000 are hospitalised. Against that background, the QPS takes its role in mitigating the tragic consequences of abhorrent driving behaviour very seriously.

Hooning behaviour is a significant and persistent concern for the QPS and the community. Hooning is a broad term that encompasses a range of the most dangerous types of driving behaviours. It is a term in general usage but also has a statutory meaning. When we refer to hooning in a legislative context, we are talking about type 1 vehicle related offences in chapter 4 of the PPRA. Type 1 vehicle offences are committed in circumstances involving a speed trial, a race or a burnout and include evading police, dangerous operation of a vehicle, careless driving and racing or wilfully driving a vehicle in a way that makes unnecessary noise or smoke. Hooning is inherently dangerous and poses a serious threat to the safety of drivers, passengers, bystanders and other road users. It can cause significant damage to roads and other property and it can negatively impact the overall quality of life in our community. Damage to road surfaces is extensive as is the damage to the visual amenity of areas in which burnouts are conducted.

Hoon meetings draw large crowds of onlookers who typically view burnouts and dangerous driving activity from the kerbside without any protection from out-of-control vehicles. For example, recently in South-East Queensland a vehicle doing burnouts struck two spectators, causing serious and life-changing injuries. One of those spectators had to his leg amputated because of those injuries. Participants in these events often remove numberplates or fit false plates to their vehicles to travel to hooning locations and whilst out conducting burnouts. Many participants carry multiple spare tyres in the rear of the car as well as trolley jacks and associated tools for the express purpose of changing tyres at a hooning location and doing burnouts.

It is not unusual for police to witness up to 200 vehicles travelling in convoy to a hooning location. Most vehicles are highly modified or seriously defective. Crowds sometimes become aggressive towards police. On occasions police vehicles have been the subject of smashed windows due to bottles being thrown by the hooning crowds. Not infrequently, hooning events have morphed into out-of-control public gatherings. For those reasons, organised hooning events pose specific enforcement challenges.

This bill amends the Summary Offences Act to create new offences designed to improve the capacity of police to target these events and to mitigate the harm that results from them. The amendments also close an existing gap in the legislative provisions. Section 291 of the road rules, making unnecessary noise or smoke, does not currently capture circumstances where someone intentionally engages a vehicle in a sustained loss of traction in circumstances where noise and smoke are not generated. An issue was encountered in the enforcement of burnouts where a person places some substance on the road to produce friction or when the burnout activity takes place at a

location other than on a road or road related area such as a park. The creation of an additional offence under the Transport Operations (Road Use Management) Act will address this gap. Chair, that concludes my opening statement. We are happy to take any questions from members.

CHAIR: Thank you very much, Mr Brown.

Mr PURDIE: I want to quickly echo the Chair's opening address and yours too, Mr Brown. We appreciate that on a day like today there are probably a million things you guys would rather be doing or should be doing with your colleagues and your families. The fact that you are taking the time out of today—above all days—to come and present to us diligently and help us interrogate this bill is appreciated by us. I appreciate that Acting Chief Superintendent Briggs is the content expert on CPOR. Specifically about the legislation, the explanatory notes talk about one of the aims of the bill being to reduce the likelihood that reportable offenders will reoffend. How is extending the time that they are on the register likely to achieve that?

Mr Brown: I would suggest that the longer someone is under monitoring by the QPS, the less likely they are able to offend. The mere fact that police are keeping tabs on them should remove that incentive, I would suggest, to commit further offences.

Mr PURDIE: In terms of the genesis of this bill, is there any sort of evidence-based policing, which we hear about a lot, underpinning this? Has there been some research that indicates that if someone comes off the register after five or 10 years they are likely to reoffend?

Mr Brown: I think we do make some reference to some research in the explanatory notes, if I am not mistaken. I have to go back and check them. Mr Wilson, is there something in the explanatory notes we can refer to there?

Det. Snr Sgt Wilson: I would have to have a look. Fundamentally, the policy rationale is simply that the period of monitoring is preventative in the sense that that is the whole purpose of the framework. Monitoring reportable offenders—people who have demonstrated a propensity to offend against children—serves a preventative purpose in the sense that it places conditions on offenders that are optimally able to reduce the chances that those offenders will offend. In terms of specific evidence, I think there is some evidence with respect to the propensity to recidivism from these offenders. In terms of the effectiveness of monitoring regimes and any specific research on the monitoring regimes in Queensland, I am not sure about that.

Mr PURDIE: That is fine. I do not mean to put you on the spot. Can I ask another question in relation to that?

CHAIR: Had you concluded, Mr Wilson?

Det. Snr Sgt Wilson: I was just going to say that we could take that on notice and I can check.

Mr PURDIE: I did not want to put you on the spot.

Det. Snr Sgt Wilson: It may be worthwhile simply taking that on notice and I can check.

Mr PURDIE: I appreciate that. Of all days, I certainly do not want to be putting anyone on the spot. It takes me to the point: what is the catalyst for this reform? Who instigated this? What has led to this? Was it something that came up through the CPOR unit or is this a policy decision of the government? What is the genesis or the catalyst for it?

CHAIR: We may be straying into questions about the policy of the government which might be best directed to the minister, but there might be something that Mr Brown could add.

Mr Brown: Thank you, Chair. It is government policy.

Mr PURDIE: Okay. Excellent.

Mr CRANDON: I take on board what you have both said. I am also aware, though, that it is possible for police divisions to become overwhelmed by the workload. I might ask as a side question: do we know how many people would end up coming onto the registers? By increasing the number of people on the register for that extended period of time—so they are all on the register for 10 years instead of five and 20 years instead of 10—do we run the risk of overwhelming those people who are doing the work on the ground so that in the end the work they are doing is not as effective?

Mr Brown: That is a very good point. The point I would make is that these laws are not retrospective; they are prospective. There will be some lag time before the full impact is felt, but you are right. There will be an impact on the registry staff, but we have time to boost resources in that area to take account of that. I might hand over to Acting Chief Superintendent Briggs to add to that if he wishes.

Det. Chief Supt Briggs: I will note that CPOR has had an increase in staffing this year from 22 to 42. Certainly, that has assisted with our current registry offenders. In terms of the increases, there has been some initial modelling done by the unit. They are obviously considering that as part of this. 2028 is when we would see the full impact of that—where the five years drops off and we move into 10 years. There is plenty of time for us in the intervening period to be able to undertake submissions around any additional staffing that we need to meet our requirements. We certainly do not want to overwhelm the staff. We absolutely acknowledge your point that we will need to consider that. We will need to look at our resourcing both at the front line but also in terms of the administration and the forensic behaviour of the people who examine and assist us with the assessment of the risk. That is absolutely a factor that we are very cognisant of and will be considering in the intervening period.

CHAIR: Member for Coomera, you wanted to put a question about the numbers?

Mr CRANDON: I think that was answered there. I must have misread my notes here, because I thought it was going to come in more quickly than the five-year term. I have misread something in here. For those who have not reoffended—I cannot remember the terminology and I would need to go back and find it—there are not going to be any additional numbers for the next five years; is that what you are saying?

Mr Brown: That is essentially right. It is not retrospective, so it will only apply once the legislation commences to new reportable offenders.

CHAIR: I am not sure who is best to address this to and what language would be used, but when we are talking about reportable offenders who are currently subject to 10-year reporting periods we are talking about some of the most serious crimes against children that have been committed. Would that be fair to say?

Det. Chief Supt Briggs: Yes, absolutely correct. The offences we are talking about we would absolutely consider serious offences.

Mr PURDIE: Mr Brown, going back to that question on the numbers, I think you said in your opening address there are 3,971 reportable offenders in Queensland; is that right?

Mr Brown: That is right. As at 31 October there were 3,971 reportable offenders being managed by the registry.

Mr PURDIE: They are the ones who are at large in the community. There would be more in custody?

Mr Brown: They are reportable offenders.

Mr PURDIE: That is fine. I missed how many offences or what the time period was. After you talked about the number of reportable offenders, you talked about offences and charges. It was 2,100 and something—

Mr Brown: That is right.

Mr PURDIE: Over what time period was that?

Mr Brown: Between 1 January and 31 October this year, 881 reportable child sex offenders had been charged with 2,183 offences for breaching their reporting obligations.

Mr PURDIE: Back to Mr Briggs' explanation that as we move forward more and more offenders are going to stay on that register. Are we anticipating that in 2028 there could potentially be double that? From my recollection, there has always been about 4,000 people on the register. By natural attrition, as 20 fall off at the end of the month another 15 or 20 come on. As fewer people fall off, are we expecting that that will double? I am mindful that you do not have that answer in front of you and that we can take it on notice.

CHAIR: Obviously we are talking about future offences, which is a reasonable question.

Det. Chief Supt Briggs: It is difficult to model. We would be guessing about the number. We know that we average a certain number who come on each year but that can vary in between—

CHAIR: Rather than making it hypothetical, would it be fair to say that in the past we have seen a reasonably consistent number of convicted offences and we do not have evidence that is not likely to continue in the future?

Mr PURDIE: No. More so Detective Chief Superintendent Briggs talked about the fact that the unit has done some modelling as to how that would look into 2028. I am just wondering how that modelling looks. Did you come up with an estimate when you look at, as you said, the 20-odd that might come on a month now that 20-odd are not falling off? Where does that lead us to in 2028?

Det. Chief Supt Briggs: Our modelling, which has been undertaken internally within the unit—and I reiterate that these figures are based on our best estimates—is that in 2028 around 5,722 would be registered.

CHAIR: You mentioned that the staff undertaking that work had increased—I missed the exact numbers; from what number to what number?

Det. Chief Supt Briggs: From 22 to 42.

CHAIR: That must indicate that there is a reasonable amount of serious work going on around reporting currently as well?

Det. Chief Supt Briggs: Obviously there is the ongoing requirement—the monitoring our officers undertake and the visitations they undertake. That work is absolutely mindful of the obligations from a police perspective to be able to continually monitor these individuals while they are in the community.

CHAIR: We might turn to any questions on the Police Powers and Responsibilities Act amendments separate to Child Protection (Offender Reporting and Offender Prohibition Order) Act amendments. Are there any questions?

Mr PURDIE: I can ask questions about controlled activities. Similarly to my first question around the CPOR legislative reforms, I assume there has been a catalyst or genesis around this—a civilian source has been in a situation where they were not adequately protected by the law and that is why we have this legislation to protect them in a controlled activity scenario; is that the correct interpretation?

Mr Brown I might hand that one off to Acting Chief Superintendent Briggs.

Det. Chief Supt Briggs: I am not aware of a specific instance that has led to this. I could talk more generally about the circumstances where we would see this being used, but I am not aware of a specific instance.

Mr PURDIE: That is fine. It sounds relatively sensible to me.

CHAIR: One of the things we have seen is changes in the law around cybercrime. I am sure all members would agree that they are quite serious offences—that is, fraud perpetrated on Queenslanders. However, much of the fraud is perpetrated by people outside the Queensland jurisdiction. Is there a limit in terms of how these laws can be applied? Do Queenslanders still need to work to actively protect themselves?

Det. Chief Supt Briggs: Absolutely. We would always encourage—and we do—campaigns and messaging around the public protecting themselves and whatever the police can do to protect the public. It is incredibly important for people to be aware and understand where they become vulnerable.

In regard to your question about those outside our jurisdiction, one of the challenges we have at the moment is the ability for people to be anonymous and remain anonymous online. What this legislation is seeking to do is give us the ability to be able to do longer term activities under controlled operations to target these individuals. That would allow us to do online engagements for longer periods of time. It is critical for us to start to undertake and look to identify where these individuals are. Even if they are outside the Queensland jurisdiction there are still opportunities for us to engage through interstate partners, the AFP or overseas as we have seen with Task Force Argos. Just because they are operating overseas does not mean that we cannot influence and engage with our law enforcement partners.

CHAIR: The investigations you undertake in Queensland may give evidence for another jurisdiction interstate or overseas to make arrests and intervene.

Det. Chief Supt Briggs: Absolutely. We would see that as a critical part of this and something we would want to achieve.

Mr CRANDON: I found the section that confused me in your paper that you provided to us. Section 4 talks about 1,700 reportable offenders dropped off when the law was changed from eight years to five years back in 2014. Then it goes on to say—

The bill proposes to strengthen the monitoring of reportable offenders in the community by increasing the reporting periods for those offenders who have not previously been given a notice of reporting obligations and have not reoffended prior to the commencement of the five years, 10 years and life to 10 years, 20 years and life.

The relevant part of that for my question is 'and have not reoffended'. Anybody who is currently on the register for five years or 10 years—there is no need to talk about life—if they reoffend they will transition across to 10 years and 20 years?

CHAIR: The member's question is: if a new offence occurs would that mean that they go onto the new reporting regime?

Mr Brown: That is correct.

Mr CRANDON: What we will see then over the next five years is not necessarily—because you have already mentioned that there were 800-odd reoffenders, I think you said in answer to another question—

Mr PURDIE: They just breached their reporting obligations.

Mr CRANDON: Breaching the reporting obligations is not a trigger; the trigger is reoffending?

Mr Brown: That is right.

Mr PURDIE: Mr Brown, on the number of charges for people who have failed to comply with their reporting obligations, how many ROs reoffend? Do you have any stats on how many people on the register get charged with fresh offences?

Mr Brown: I think we will have to take that on notice, if that is okay.

CHAIR: We will take on notice that question which was: how many reportable offenders get fresh charges—

Mr PURDIE: Child sex offences laid.

CHAIR: New offences that are reportable offences or new offences in general?

Mr PURDIE: New child sex offences that would potentially require them to be put on the register again to trigger the longer terms.

CHAIR: Member for Macalister, do you have a question?

Mrs McMAHON: I wanted to turn to the amendments in relation to hooning. It is probably one of the most common things that comes across our desks as MPs. There are two specific questions I wanted to ask in relation to the briefing paper that you provided. One is in relation to the offence to be created under the Summary Offences Act in relation to a person possessing a thing that is to be or has been used to commit a racing, burnout or hooning offence. I was wondering if you could give the committee an indication or an example of what some of those things might be that someone would now be committing an offence by possessing.

Chief Supt Stream: I missed the initial part of the question about which offences.

CHAIR: Can we get that question again, Member.

Mrs McMAHON: In the briefing note under paragraph 31 it talked about a further offence being created under the Summary Offences Act in relation to a person possessing a thing. I wanted to get an idea of what type of thing that might constitute.

CHAIR: It says that a further offence under the SOA is created by proving a person is possessing a thing that is to be or is being used to commit a racing, burnout or other hooning offence. I am assuming that bald tyres are part of this.

Chief Supt Stream: That is sets of multiple tyres. We have court offenders with trolley jacks and other equipment that they use to change from road usable tyres—sometimes they are not road usable tyres—to tyres that they can use for burnouts. Those types of implements have also been used in the theft of tyres from road safety trailers. We have even had tyres stolen from police surveillance camera units. They will use those trolley jacks and other devices to jack up their own cars and then fit those stolen tyres. They are used both in the commission of criminal offences which, of course, are dealt with under the criminal legislation but specifically here.

We have CCTV footage and also footage taken by persons in attendance at those events which show multiple sets of tyres in the back of vehicles and utilities and jacks and that type of equipment that is commonly used for the changing of multiple sets of tyres. Single offenders will work through a number of sets of tyres committing those ongoing offences.

Mrs McMAHON: If I can follow up in relation to that, I am assuming that, much like many of the other offences under the Summary Offences Act, the defence of a reasonable excuse for possessing a thing, if a person wishes to contest that they had it for a reasonable purpose, applies to such new offences?

Chief Supt Stream: You are absolutely correct in terms of that. This piece of legislation is not aimed at a normal person transporting equipment. They will have those defences available to them if police were, for some reason, to take action. They would have to form a reasonable suspicion in that regard and have other evidence connecting them to the commission of the original offence.

Mr Brown: To add to the chief's evidence, a false numberplate might also be a thing in relation to this offence. It is false numberplates, trolley jacks, tyres and that sort of thing.

CHAIR: If someone was travelling with multiple numberplates or numberplates not associated with a car that might be one of the things.

Mrs McMAHON: The only other question I had was in relation to the briefing note where it referred to the possession of numberplates that could not reasonably be explained. I am assuming that the creation of such new offences is to avoid issues with having to put the charges of tainted property and other more complex matters?

Mr Brown: I might pass to Senior Sergeant Wilson for that.

Det. Snr Sgt Wilson: I will go back a little and further explain the 19D offence. It only applies in circumstances where the thing has been used in relation to a hooning offence. The onus is on us to prove that the thing that we have identified—the tyres, the jack or whatever—has been or is intended to be used for the purpose of a hooning offence. It is more limited than tainted property. It is provisions where there is a reverse onus usually. This is designed specifically and narrowly to target the kind of conduct where we have a clear idea that these things are being used for the purpose of the commission of hooning offences.

Generally, I imagine that would operationally occur in circumstances where there is some footage. There is often CCTV footage. There is often social media footage where that element of the offence could be demonstrated. This is not an offence that will capture people who are carrying around tyres for some ancillary or other reason. It is for the purpose of the commission of a hooning offence.

CHAIR: In reference to the new legislation we have put in place around video footage of the commission of a hooning offence, the onus is then on the registered owner of the vehicle. For some people this will be an incentive to change numberplates. This is not strictly within this legislation. Does the numberplate recognition software identify cars that possibly have not yet been reported stolen but where the numberplate is not associated with the make, model or colour of the car that the numberplate has been applied to? Is the software smart enough to do that type of thing?

Chief Supt Stream: The ANPR technology currently cannot identify a mismatch of vehicles. It initially focuses on the letters and numbers, obviously, but there is software available. Currently the Queensland Police Service is working on the development of other technology under the name of Viper which will identify those mismatches and also focuses on particular markings or dents, damage to the vehicle, those types of identifying marks, if you like.

CHAIR: I think that would be very important. Are we communicating to people what a serious offence it is to swap out numberplates to avoid detection and enforcement? Is there awareness in the people who are likely to undertake that activity that it is a serious offence to swap out numberplates?

Mr Brown: I suspect we are probably not, but it is probably beholden on both the QPS and probably DTMR to undertake such a campaign. Perhaps there might be an opportunity, once these laws are enacted, to undertake such a publicity campaign. I am sure there will be.

Mr CRANDON: I have one clarifying question to Mr Wilson. You said in your earlier response 'what was being used or intended to be used'.

Det. Snr Sgt Wilson: The offence is 'a person must not possess a thing that is being, or is to be, or has been, used'.

Mr CRANDON: 'Or is to be'.

Det. Snr Sgt Wilson: Yes.

Mr CRANDON: So it does capture people who might have things if the police officer thinks it is a reasonable assumption that it is intended to be used.

Det. Snr Sgt Wilson: Yes. So it would be incumbent on us to prove that it is to be used.

CHAIR: I think I speak for all members when I say that we are heartened by both the minister and the department's innovative look at reducing hooning by reversing the onus so that a driver has to prove who was driving the car, because we know what a big impact it has on our suburbs and towns.

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There being no further questions, on this most difficult of days, I want to thank you for taking the time out to give us this briefing. We do note there was a question taken on notice about research about reducing recidivism and statistics on the number of reportable offenders on the register who reoffend with a reportable offence or any type of offence.

Mr PURDIE: No. Just a fresh child sex offence or a trigger offence that would put them back on the register.

CHAIR: We note that the date for reporting back questions on notice is 5 pm Friday, 16 December, which I know is a relatively short time but what information you can provide us by then would be appreciated. Thank you for the information you provided today. We thank the Hansard and broadcast staff for their assistance. I note that a transcript of proceedings will be available on the committee's webpage in due course. I declare this public briefing closed.

The committee adjourned at 12. 48 pm.