



9 July 2018

Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE Q 4000

Email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Sir/Madam

**Re: Police Powers and Responsibilities and Other Legislation Amendment Bill 2018**

We refer to the email dated 20 June 2018 seeking Submissions on the above Bill by 9 July 2018.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System.

PACT is supportive of any legislative reforms that better protect vulnerable children and young people who have been victims or witnesses of crime. In addition, we agree with amendments that enhance the efficiency and quality of front line policing services.

It is through our experience, that we offer the following comments on the amendments of relevance to the work we do supporting child victims of crime:

**Objective of the Bill**

*PACT is supportive of the proposed objectives to ensure that policing services remain responsive to contemporary community needs.*

**Amendments to the *Police Powers and Responsibilities Act 2000 (PPRA)***

High Risk Missing Persons (HRMP) Division 1 – Preliminary. Part 3A Chapter 7, Sections 179B, 179C:

*PACT is supportive of the proposed definition of a high-risk missing person (HRMP) and that children under 13 years be automatically classed as a HRMP. However, we would argue that anyone under the age of 18 should also be included, due to their likely level of vulnerability and inability to adequately protect themselves. Otherwise, we are pleased to note that the Judge or Magistrate will consider the person's age and intellectual, physical or psychiatric impairment when determining a HRMP.*

*We further agree with the need to consider all reasonable suspicions that the person may suffer significant harm if not found as quickly as possible. It is important that a person's past history be considered as a contributing factor.*

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**Vice Regal Patron:** *His Excellency the Honourable Paul de Jersey AC, Governor of Queensland*

### Division 2 – Establishment of Missing Person Scenes. Sections 179D and 179E

*We support the proposed parameters for establishing a missing person scene by:*

- *Making an application to a Supreme Court Judge or Magistrate for a missing person warrant; or*
- *In urgent circumstances, through the authority of a commissioned police officer before applying for the warrant.*

*PACT is supportive of amendments that ensure Police can access the missing person's residence, place of employment or vehicle in a timely manner to gain valuable information and evidence that may lead to the location of the missing person.*

### Division 3 – Missing Person Warrants

*PACT does not believe Police should be required to obtain consent to enter the HRMP's place of residence if there is a real fear for the HRMP's safety, especially in cases involving missing children and young people. However, we appreciate the need for the occupier to be notified of the application in a timely manner.*

### Division 4 – Powers at missing person scenes

*The need to gather vital evidence or information is imperative in locating a missing person early and ensuring their safety. Therefore, we concur that Police Officers should be able to access a person's residence based on the satisfaction of relevant criteria, to establish a missing person scene as early as possible in the investigative process. We agree this will be further enhanced by enabling a Commissioned Officer to authorise the establishment of a missing person crime scene prior to obtaining a missing person warrant and to extend these powers to other nominated persons where required.*

### Division 5 – General provisions about high-risk missing persons – Section 179S

*We appreciate the need for the occupier of a dwelling which is deemed a missing person scene to be provided with alternative accommodation for the determined period for which the dwelling is unavailable.*

*We further support Section 8789(Which is the correct section reference?) which enables the Crime and Corruption Commission (CCC) to review the effectiveness of the HRMP Scheme after five years from commencement and that the report be tabled in the Legislative Assembly.*

### Crime Scenes – Sections 163A and 163B

*PACT supports the need to provide new definitions of what constitutes a crime scene and to simplify when a crime scene may be established by dispensing with the multiple definitions currently used. It is pleasing to note this will align Queensland with other Australian jurisdictions that do not distinguish between primary and secondary crime scenes.*

### Access to information on a storage device seized under a crime scene warrant – Section 178A

*Given the amount of evidentiary material available on a range of storage devices, we support amendments to allow this evidence to be obtained as quickly as possible through an access information order providing a Judge or Magistrate is satisfied there are reasonable evidentiary grounds.*

*PACT is very supportive of the Bill amendments which allow Police to inspect electronic storage devices in the possession of a person who has been convicted of an offence of administering child exploitation material.*

### Include two new offences as prescribed internet offences for Sections 21B of the PPRA

*PACT strongly supports the amendments to include aspects of child sex offending through an online forum.*

Proposed amendments to the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* – Expanding Schedule 1

*PACT is extremely supportive of the amendment to ensure the 10 additional Commonwealth child sex offences are captured as reportable offences in Queensland legislation. This should result in enhanced protection of Queensland's vulnerable children and young people.*

*It is pleasing to note, the inclusion of these offences gives effect to a decision made in May 2017 by the Joint Meeting of the Attorneys-General, Justice and Police Ministers as part of the Law, Crime and Community Safety Council. We commend the Queensland government for their commitment in this important area.*

Proposed amendments to the *Corrective Services Act 2006*

*Whilst PACT does not have the expert knowledge or experience to comment on the proposed amendments, we concur with the suspension and cancellation of parole should it be in the best interest of public safety and likely to better protect vulnerable children and young people.*

In closing, PACT appreciates that the Bill has been drafted with due regard to the fundamental legislative principles, by achieving appropriate balance between individual rights and liberties and the protection of the broader Queensland community.

PACT is very grateful to be consulted about this important issue. Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact [REDACTED], PACT's Chief Executive Officer on telephone [REDACTED] or email [REDACTED]

Thank you for the opportunity to provide comment on this important legislative review. We trust our input has been of value.

Yours sincerely

  
Alexandra Marks  
Chairperson

  
Jo Bryant  
Chief Executive Officer