LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:
Mr PS Russo MP—Chair
Ms SL Bolton MP (virtual)
Ms JM Bush MP (virtual)
Mrs LJ Gerber MP (virtual)
Mr JE Hunt MP (virtual)
Mr AC Powell MP (virtual)

Staff present:
Ms R Easten—Committee Secretary
Ms M Telford—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 29 SEPTEMBER 2021

Brisbane

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The committee met at 1.30 pm.

CHAIR: Good afternoon. I declare open the public briefing for the Legal Affairs and Safety Committee's inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. 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 people whose lands, winds and waters we all share.

My name is Peter Russo, the member for Toohey and chair of the committee. Other committee members appearing today via videoconference are Mrs Laura Gerber, the member for Currumbin and deputy chair; Ms Sandy Bolton, the member for Noosa; and Mr Jason Hunt, the member for Caloundra. Ms Jonty Bush, the member for Cooper, and Mr Andrew Powell, the member for Glass House, are attending via teleconference.

On 15 September 2021 the Hon. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, introduced the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 into the Queensland parliament and referred it to the committee for consideration. The purpose of today's briefing is to assist the committee with its examination of the bill. Only the committee members 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. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from the briefing at the discretion of the committee.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by the media and images may also appear on the parliament's website or social media pages. I remind committee members that officials are here to provide factual or 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. The program for today has been published on the committee's webpage and there are hard copies available from committee staff.

CARROLL, Senior Sergeant Ian, Legislation Branch, Policy and Performance Division, Queensland Police Service

HUMPHREYS, Chief Superintendent Tom, Legislation Group, Queensland Corrective Services

HUTCHINS, Ms Annika, Director, Legislation Group, Queensland Corrective Services

SMITH, Deputy Commissioner Doug, (Strategy and Corporate Services), Queensland Police Service

CHAIR: I welcome representatives from the Queensland Police Service and Queensland Corrective Services who have been invited to brief the committee on the bill. The committee thanks you for your attendance here today and respectfully acknowledges on this Police Remembrance Day the officers of the Queensland Police Service—past, present and fallen—for their service to our state. I invite you to make an opening statement.

Deputy Commissioner Smith: Thanks very much, Chair. I also acknowledge the Gubbi Gubbi people who were the traditional owners of the land where I live. Good afternoon and thank you for the opportunity to brief the Legal Affairs and Safety Committee in relation to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. With me today to assist in answering your questions about the operation of the bill are the following officers: Annika Hutchins, the Director of the

Legislation Group of Queensland Corrective Services; Mr Tom Humphreys, the Chief Superintendent of the Legislation Group from Queensland Corrective Services; and Senior Sergeant Ian Carroll from the QPS Legislation Branch.

For the purpose of the record of this briefing, I again take a moment to acknowledge that today is National Police Remembrance Day on which we remember and honour police officers in Queensland and indeed across the country who have lost their lives in the line of duty. We also remember and honour those police officers and staff members of the Queensland Police Service whose deaths in the last 12 months did not occur as a consequence of their duty. Again, as I said during the previous briefing, Commissioner Carroll very much values the committee process and she regrets that she is unable to attend today owing to prior commitments for Police Remembrance Day.

Chair, as you have acknowledged, the bill contains amendments primarily focused on police powers and the Parole Board of Queensland. Mr Humphreys is available to speak to the Parole Board amendments after I have discussed police powers. The QPS assists the police minister to fulfil his obligations under section 807 of the Police Powers and Responsibilities Act 2000 to ensure that the act is regularly reviewed. Therefore, as a result of that statutory provision, the act is under constant review and, on average, a PPRA amendment bill is developed every two to three years. This version, like its predecessors, aims to, firstly, improve the operation of the act and to, secondly, ensure that the act is contemporary for the needs of modern policing and society and it reflects the government's safety and security priorities for the community.

In that context, the key policing proposals contained in this bill—and I will not go into the details but just touch on them briefly—expand the scope of police banning notices to apply to an adult who unlawfully possesses a knife in a relevant place and permit Queensland Police Service staff members and translators working as monitors to independently monitor surveillance devices. I think I should just point out here that, of an organisation of just over 17,000 employees, 12½ thousand are police officers; the rest are staff members who perform duties across a very broad range of functions such as forensic accountants and intelligence officers. The amendment recognises that with respect to the amendment that is proposed here for the monitoring of surveillance devices. The amendments sought also allow police to dispose of forfeited drug samples to the chief executive officer of other law enforcement entities for the purpose of illicit drug profiling programs. The bill includes five Commonwealth child sexual abuse offences as prescribed internet offences and expands the protection of police methodologies in court to include Queensland Police Service staff members, as I just mentioned, who will provide evidence. At the moment the methodologies only protect sworn members. This will expand to include those people that we are seeking to be able to monitor.

In relation to assumed identities, the bill will clarify that an assumed identity can be used for training and administrative functions, creating a historical backstopping and lowering the delegation to authorise assumed identities down from the rank of assistant commissioner to superintendent in charge of covert operations. We can go into some detail there, but we had a bit of a conversation at the last committee session with respect to advancing technology. The problem with advancing technology of course is that it is not only available to us; it is available to those that we wish to investigate and they often use that technology against us.

The bill also extends court removal orders to apply to sentenced or remanded prisoners in police custody who assist police; replaces references in the legislation from 'Aborigine' with 'Aboriginal peoples'; includes nine Commonwealth child sexual abuse offences as reportable offences; creates a new indictable offence for wilfully and unlawfully killing or seriously injuring a police dog or horse under the Police Service Administration Act; and includes numerous Commonwealth offences against children as disqualifying offences under the Working with Children (Risk Management and Screening) Act 2000. I am conscious of the time of the committee and I will not expand further on those policing highlights but am happy to take questions, but I do strongly commend the value of these amendments to the Police Service and therefore to the people of Queensland. Before we go to questions, Mr Humphreys would like to make some comments with respect to those amendments that apply to his agency.

Chief Supt Humphreys: Thank you, Deputy Commissioner. On behalf of my Corrective Services colleagues, we also acknowledge all members of the Queensland Police Service on this Police Remembrance Day. Queensland Corrective Services takes pride in delivering community safety across Queensland through the safe and humane containment, supervision and rehabilitation of offenders. This bill includes amendments to the Corrective Services Act 2006 focused on limiting retraumatisation of victims' families and friends by introducing a new framework for parole decisions about life sentenced prisoners who have committed multiple murders or who have murdered a child. It strengthens the existing no-body no-parole framework to incentivise earlier prisoner cooperation to locate a homicide victim's remains and it provides the Parole Board Queensland with greater flexibility

to respond to its increased workload and the risks different prisoners pose to community safety. The bill also amends the act to introduce a new indictable offence for wilfully and unlawfully killing or seriously injuring a Corrective Services dog to align with the new police offence described by the deputy commissioner.

The bill inserts two new parts into chapter 5 of the Corrective Services Act. These parts establish new parole requirements for a life sentenced prisoner who has committed multiple murders or has murdered a child, referred to in the bill as a restricted prisoner. The parts also amend the framework for no-body no-parole decisions currently provided for under section 193A.

In relation to the restricted prisoner framework, the bill includes a new discretion for the Parole Board president to declare if it is in the public interest that a restricted prisoner must not be considered for parole for up to 10 years, known as a restricted prisoner declaration. In considering the public interest, the president must have regard to the nature, seriousness and the circumstances of the offence or each offence that the prisoner was sentenced to life imprisonment for; any risk the prisoner may pose to the public if the prisoner is granted parole; and the likely effect that the prisoner's release may have on an eligible person or victim. The president must also have regard to certain information—namely, the restricted prisoner report, any submission made by an eligible person, any relevant sentencing remarks and any submission made by the prisoner, and a submission made by the prisoner. The president may also ask for or take into consideration other information that is relevant to their decision. The new discretion will be triggered at any time by Queensland Corrective Services providing a restricted prisoner report to the president or upon a restricted prisoner making a parole application.

While a declaration is in force, a prisoner may only make an application for exceptional circumstances parole. However, the prisoner will need to meet a higher threshold for exceptional circumstances. The board must refuse an application unless satisfied, due to a diagnosed disease or medical condition, the prisoner is in imminent danger of dying or is not physically able to cause harm to another person; the prisoner has demonstrated that they do not pose an unacceptable risk to the public; and the making of the parole order is justified in the circumstances. If a restricted prisoner is not subject to a declaration, they will be subject to a new presumption against parole. This presumption requires the board to refuse parole unless satisfied the prisoner does not pose an unacceptable risk to the public.

In relation to the no-body no-parole amendments, the bill moves the existing framework under section 193A into the new parts 1AA and 1AB in chapter 5. These provisions are consistent with existing requirements in the act. They do not change the overall policy for no-body no-parole—namely, that a relevant prisoner must be refused parole unless they have cooperated satisfactorily in locating a homicide victim's remains. The new section 175M introduces discretion for the board to consider a prisoner's cooperation in locating a homicide victim's remains at any time after sentencing instead of the board having to wait until a prisoner reaches their parole eligibility date and submits an application for parole. Where the board determines the prisoner has not cooperated satisfactorily, the prisoner will be subject to a no cooperation declaration and restricted from reapplying for parole. The president or deputy president may reconsider the declaration at their own discretion or upon a prisoner applying for reconsideration. New section 175S provides the reasons reconsideration may be granted, including where the prisoner has provided additional cooperation or there has been a change in the investigation of the victim's location. If reconsideration is granted, the board will again consider whether the prisoner's cooperation is satisfactory.

I now turn to the Parole Board amendments in the bill. These amendments will support the efficiency and effectiveness of the board's operations by providing the board with greater flexibility to respond to the risks different prisoners pose to community safety and enhancing transparency of the board's decisions.

Clause 11 extends the period a life sentenced prisoner may be restricted from reapplying for parole if their application is refused by the board. The bill extends this period from 12 months to a maximum of three years, depending on the individual prisoner's circumstances.

Clause 16 provides new minimum quorum requirements for consideration of parole applications by prescribed prisoners. The board will be required to hear those matters with three types of members present: a president or deputy president or professional member, and a Public Service or police member, and a community member.

Clause 17 provides a new power to prescribe certain decisions to be published on the Parole Board's website. The specific information to be published will be prescribed in a regulation having regard to privacy and the promotion of human rights including ensuring victim information is not disclosed.

Clause 21 temporarily inserts a new part 15B into the act to extend the legislated time frames for parole decisions. The extension will provide an additional 60 days from the receipt of a parole application for the board to make a decision. The extended time frames will operate for a period of six months from proclamation.

In conclusion, the amendments to the Corrective Services Act aim to enhance community safety and reduce the retraumatisation of victims' families and friends. I welcome any questions from the committee regarding the Corrective Services amendments in the bill.

Mrs GERBER: I, too, would like to acknowledge that today is National Police Remembrance Day. Thank you all for your service—police officers right across the nation. It is a very important day and I appreciate you all taking the time out to be here before the committee today. My question is around the new framework for parole decisions in relation to a restricted prisoner, that being life sentence prisoners who have committed multiple murders or have murdered a child. Can you tell me how many restricted prisoners currently in Queensland correctional facilities would this apply to? Secondly, is there any evidence from other states around whether or not this new framework is effective in limiting the retraumatisation of victims' families and friends? It is a two-part question. Is that okay?

Chief Supt Humphreys: I do not think it is my place to say whether the question is okay, but in relation to—

CHAIR: Sorry, my attention was diverted.

Mrs GERBER: I asked a two-part question.

CHAIR: That is alright. We can break them up.

Mrs GERBER: Perhaps the first question can be answered, which was around the numbers.

CHAIR: Chief Superintendent, you can answer the first part of the question and then I will go back to Laura to ask the second part again.

Chief Supt Humphreys: In answer to the first part of your question, as I mentioned, there are two groups of prisoners who are within the restricted prisoner cohort. In relation to the total number of prisoners affected, there are 72 in total, but I do need to qualify that in terms of where those prisoners are in terms of their sentence. Of those 72 people, 38 are serving a life sentence for the murder of a child and 46 are serving a life sentence for multiple murders. However, 23 of those 72 are already past their parole eligibility date—16 child murderers and 10 multiple murderers—11 have a parole eligibility date within the next two years; and there are 12 who currently have a parole application before the board. Just to reiterate, there are 72 prisoners in total who are in our custody who may be subject to a declaration. They may not necessarily be subject to a declaration.

In terms of the prisoners who have not yet reached eligibility, some of those prisoners were recently sentenced; some of them were sentenced many years ago. Some of those prisoners may not be reaching parole eligibility for quite some time, in fact, through to the 2040s. It is very much spread out. We do not expect more than a couple of prisoners to become eligible per year from here on.

In relation to the second aspect of your question, if I can move on, we do not have a lot of information because this framework is, as the minister has said, the toughest framework of this nature in Australia. We do have an example from Western Australia that has been in place for a couple of years. I can confirm that there have been prisoners in Western Australia who have been subject to a declaration. I hope that answers the question.

Mrs GERBER: It was mainly around the retraumatisation of victims' families and whether or not you can inform the committee a bit more around the evidence you might have to establish that these current amendments are going to achieve that purpose, whether there are any other states or jurisdictions that have been looked at. If so, perhaps you can talk us through that. If not, that is fine. I just wanted a bit more information around that.

Chief Supt Humphreys: I think the best way to approach that is in respect of how the legislation currently operates in relation to prisoners serving a life sentence. If a prisoner applies for parole and is not granted parole, the Parole Board has the power to set a time frame within which the prisoner may not reapply for parole. That time frame is currently 12 months. This bill actually extends that out to three years for all life sentence prisoners—up to three years. In effect, that means that if a prisoner applies for parole and is not granted parole, they can reapply for parole no later than 12 months.

The QCS Victims Register is a register of eligible persons who may register with us to receive information on how a prisoner is tracking through their sentence. When a prisoner applies for parole, a person who is registered on the eligible persons register is invited to make a submission to the Parole Board. That is a legislative requirement. It occurs regardless of whether the prisoner has any

reasonable prospect of being granted parole. That can mean that currently a prisoner who has no prospect of being granted parole can reapply every 12 months and every time that occurs the eligible person receives a notification inviting them to make a submission.

When we say that the bill is designed to reduce retraumatisation of victims, we are really trying to prevent victims from being repeatedly requested to make a submission about their offender even when that prisoner may not have a realistic likelihood of being granted parole. I hope that answers the question.

Ms BOLTON: I, too, acknowledge our police on Remembrance Day. Our hearts go out to all and their families. I have a question for the Chief Superintendent. Can you explain what sort of factors will make up the public interest test?

Chief Supt Humphreys: The primary aim of the restricted prisoner declaration, as I said, is to protect victims, families, friends and the broader community from further trauma caused by a restricted prisoner being considered for parole at ongoing short intervals. This purpose ultimately serves to protect victims and the broader community. The criterion included in the bill at section 175H of the amended Corrective Services Act aims to limit retraumatisation by requiring a restricted prisoner declaration is made where it is in the public interest to do so. That is the overriding criterion. It then provides factors the president must consider when determining the public interest. This includes three elements: A), the nature, seriousness and circumstances of the offence or each offence which the prisoner was sentenced to life imprisonment for; B) any risk the prisoner may pose to the public if the prisoner is granted parole; and C) the likely effect that the prisoner's release on parole may have on an eligible person or a victim. I hope that answers the question.

Ms BOLTON: It does, thank you. Previously you mentioned that this framework will now reconsider parole of up to 10 years. Does that mean that one of these restricted prisoners could actually apply for parole within that 10 years and be granted it?

Chief Supt Humphreys: The bill provides for a declaration to be made for a period of up to 10 years. It will be a matter for the president to determine the length of time of the declaration. Once the declaration expires, if it is not remade, then yes, the prisoner will be able to apply for parole and then the normal process for considering parole would commence.

CHAIR: Is it the case that the president may make a declaration that is less than the 10 years?

Chief Supt Humphreys: That is correct. The declaration may be for up to 10 years. However, there is no limit on further declarations being made. For example, the president might make a declaration for seven years and towards the end of the seven years make a further declaration for any period and so on.

Mr HUNT: With regard to the no-body no-parole legislation, how many victims' remains have been relocated as a consequence of its introduction?

Chief Supt Humphreys: I thank the member for the question and acknowledge the member's interest in Corrective Services in this area in particular. I am happy to advise the committee that in 2018 the remains of Leann Lapham were discovered by police in bushland near Innisfail where she was last seen in 2010. Her remains were located following information provided to the Queensland Police Service by her former partner, Mr Graeme Evans, who was charged with her homicide. His cooperation was provided prior to his sentencing for manslaughter and interference with a corpse.

The passage of no-body no-parole laws in Queensland was attributed by police as a major contributor to Mr Evans' decision to provide cooperation. The policy has also been successful in ensuring four prisoners who the board considers have not cooperated satisfactorily were not granted parole. The intention of the no-body no-parole legislation is to incentivise as early cooperation as possible. If a defendant discloses the remains of a victim prior to conviction, then from a Corrective Services perspective that is an excellent thing. If they do not make a disclosure until after sentencing, that is where the no-body no-parole framework operates in terms of the Parole Board's consideration. The intention of the bill is to allow the Parole Board to bring forward that consideration to any time after sentencing so that incentivisation is really operating to its full effect on the prisoner.

CHAIR: Can that application be initiated by the prisoner, or is it solely in the discretion of the board?

Chief Supt Humphreys: It operates both ways. Currently it is triggered only by the prisoner's application. For example, if a prisoner came into our custody today and in the case of a murder sentence was not eligible for parole, for example, for 20 years then there is no opportunity for the board to consider no-body no-parole until the prisoner is eligible to make an application and actually makes

an application. The amendments will allow the Parole Board to bring that consideration much further forward despite the prisoner not being eligible to access parole and make a determination that the prisoner is a no-body no-parole prisoner.

CHAIR: That declaration by the board could be made as early as in the first couple of years of the prisoner coming into your care?

Chief Supt Humphreys: That is correct. It will be entirely up to the board's discretion as to when it commences that determination. If there is information in relation to a prisoner's cooperation that the Queensland Police Service holds, of course, that will be available to the board immediately after sentencing.

CHAIR: Parole applications are heard in camera, for want of a better description; am I correct in that assumption?

Chief Supt Humphreys: In a general sense, yes.

CHAIR: Okay, then help me out. What do you mean when you say 'in a general sense'?

Chief Supt Humphreys: I believe no-body no-parole determinations might be an exception, but in general they are held in camera, although the prisoner may appear, and that would usually occur via video link.

CHAIR: Okay, but apart from the prisoner and the board and representatives, it would not be open to the public?

Chief Supt Humphreys: That is correct. I might get my colleague to provide more information.

Ms Hutchins: I understand that in some no-body no-parole matters the board may determine or decide that they want to have a public hearing.

CHAIR: But that is the only exception?

Ms Hutchins: That is probably a matter best directed to the board, but that is our understanding.

CHAIR: Okay. In relation to the amendments that deal with parole decisions that it is envisaged might be made public on the Parole Board's website, are you able to help the committee understand how that would work in practical terms, because it is not something that has happened previously, is it?

Chief Supt Humphreys: There is certainly a public interest and the need for community confidence in the board's decisions to release prisoners to parole given the need to ensure the protection of the community. The publication of certain decisions will serve this purpose while promoting the principle of open justice and the freedom to seek, receive and impart information, and I think in your earlier question you were particularly referring to open justice.

As I have said, a regulation will prescribe the details of classes of decisions that are to be published. No decision has been made at this time about which decisions will be prescribed. It is noted that the board already publishes decisions about a no-body no-parole prisoner's cooperation on its website, and there are a number of decisions on the site currently. However, there are examples in other jurisdictions of publication of decisions more broadly and I can direct you to, in particular, the parole authorities in Western Australia and Tasmania that release quite succinct summaries of their decisions as a part of their routine business. These are simple, plain English descriptions of the essential factors involved in making the decision.

Chair, anticipating your question, I do have examples of those published decisions from those jurisdictions here with me today, so if it would assist the committee I am happy to table those and seek your leave to do so.

CHAIR: Is leave granted to table the decisions that the chief superintendent is referring to?

Mrs GERBER: Yes, Chair.

CHAIR: Thank you. Just dealing with that, obviously I have not seen those, but, for example, there are times when the media and certain groups have a keen interest in someone who has been released, and we have seen some pretty bad examples of the media taking certain actions that are not in the interests of anyone working in the justice system. Thank you for that and pardon me because I have not had a chance to read them, but will there be a mechanism for protection? It is a two-pronged thing, isn't it? You have to protect the victims and then you have to protect the person who has made parole. Thank you for those, but can you enlighten the committee or should we just worry about these and not burden you with that?

Chief Supt Humphreys: No, I can answer that question. As I said, identification of victims will be a major consideration. As you would be aware, there are certain offences where courts will not name the offender because in doing so a victim can also be identified, so that will be a similar

consideration for publication of parole decisions. I should also add that the minister has the power to make guidelines to Parole Board Queensland in relation to parole generally and, subject to the minister's approval, our intention would be that the regulation is supported by amendments to the guidelines that provide more detail around how to approach the publication of decisions and what sort of information should and should not be contained in those decisions.

CHAIR: Thank you, Chief Superintendent.

Ms BUSH: I, too, will start by acknowledging Police Remembrance Day and thank our colleagues for being with us today. Coming back, as everyone has, to the strengthening of the no-body no-parole framework, I just think it is important to come back to the policy objective and my read of this has been around encouraging early cooperation from prisoners if we put ourselves in the mind of a family who have lost someone through homicide and whose remains are unknown. Someone is sentenced to a life sentence and is eligible for parole after 15 years. Under the current framework, somebody could not disclose the remains of a body until the 15 years when you are up for parole. Is that correct? Rather than that, what we are trying to actually do is encourage earlier cooperation so that families of victims can identify and have access to their loved one's remains and have a burial. That is the policy objective around timeliness, is it not?

Chief Supt Humphreys: Certainly in all no-body no-parole matters timely cooperation is important and it is the objective of the framework to deliver that as much as possible. The earlier a prisoner cooperates, the more likely that cooperation will be useful in locating a victim's remains. The amendments in the bill aim to strengthen the incentive for the prisoner to provide timely cooperation by allowing the board to consider the matter earlier than a parole application and placing a clearer restriction on prisoners reapplying for parole if their cooperation is not satisfactory.

For example, a prisoner sentenced today for a recent murder will not be eligible for parole for 20 years in 2041 and the no-body no-parole consideration will only be triggered by the prisoner making a parole application. If the prisoner chooses not to make a parole application, the board is not able to consider no-body no-parole. The amendments will enable the board, at a time of its choosing rather than the prisoner's and at an earlier point, to better incentivise the prisoner's cooperation.

I should add that to complement these amendments the government has also committed to update the ministerial guidelines for parole to ensure that the timeliness of a prisoner's cooperation is a significant consideration in all no-body no-parole matters. A requirement to place greater weight on timeliness in the guidelines will provide the Parole Board with sufficient flexibility to consider the prisoner's cooperation on a case-by-case basis and avoid any unintended consequences that could arise from an inflexible legislated requirement. I hope that answers the member's question.

Ms BUSH: Yes, it does. As a follow-up question, I am just interested in the type and level of engagement with victims advocacy groups and support groups, particularly the Queensland Homicide Victims' Support Group but other relevant parties, and how you have gone about engaging them in that process.

Chief Supt Humphreys: Queensland Corrective Services has a very strong relationship with the Homicide Victims' Support Group. We absolutely support their work and we have regular engagement with that group on a range of topics. The Queensland government has an election commitment in this area and has committed to update the guidelines, as I mentioned, to ensure that the timeliness of a prisoner's cooperation is a significant consideration in all no-body no-parole matters and that that was a direct consequence of engagement with the Homicide Victims' Support Group. I can also refer the committee to the minister's media release on 16 September 2021 when the chief executive of Homicide Victims' Support Group was quoted as giving support to these amendments. I can also confirm that Homicide Victims' Support Group were consulted during the preparation of the bill. They did receive a draft of the bill and they provided comments on the bill and we certainly took those comments on board.

Mrs GERBER: My question is around the Parole Board and the greater flexibility it has been given in this bill to respond to increased workload. Can you just talk the committee through the impact of the Parole Board not considering applications in time and what impact that has?

Chief Supt Humphreys: Overall we expect that this package of amendments will have a net positive effect on the Parole Board's workload. As I mentioned, we will be providing additional flexibility in the board's quorum requirements for certain matters through the amendments to section 234. That gives the board the ability to configure its meetings in a more flexible way according to the matters that are listed for that meeting.

Secondly, the bill extends the time the board may decide to not consider a further application for parole for a life sentenced prisoner. There are currently 324 prisoners in total in custody who are serving a life sentence of imprisonment, so the effect of that amendment is to essentially slow down or

reduce the number of reapplications that a prisoner may make, so over time we expect that that will have a positive effect on the workload.

Furthermore, the third element is a temporary extension of parole consideration time frames under section 193(3) for 60 days for a period of six months. This will assist the board by reducing some of the pressure that it is currently experiencing as a result of judicial review applications for essentially being out of time on its decision-making.

These amendments all work together and also build on the investment that has been announced in the Parole Board to continue the operation of its fourth temporary operating team and also to establish a fifth temporary operating team, so overall we believe that these amendments combined with the additional resourcing will have a positive effect on the board's workload. Thanks for the question.

CHAIR: In relation to matters that have gone on judicial review because the board is out of time, how many matters are we talking about?

Chief Supt Humphreys: I am sorry, but I do not have that in front of me.

CHAIR: Okay. In relation to allowing the board the 60-day extension to deliver their decisions, I have a two-pronged question, so forgive me. Will that not create extra pressure? Does that 60 days then solve the problem of being out of time and therefore reduce the number of matters that are ending up on judicial review?

Chief Supt Humphreys: It does not affect the number of applications of course.

CHAIR: No.

Chief Supt Humphreys: So that will be a constant, for want of a better word.

CHAIR: Yes.

Chief Supt Humphreys: It does give the board more time to decide those applications. Within that time they may prioritise certain applications over others.

CHAIR: You anticipated my next question. For want of a better description, does that mean, for example, an application could be fast-tracked? I do not know if that is the correct terminology. For example, if there is a matter pending the Parole Board could deliver their decision earlier?

Chief Supt Humphreys: I think I can answer that question. The best way to approach that is there is no legislative requirement for scheduling. It is the board's discretion as to when it considers a matter. I cannot speak on behalf of the board, but I imagine it would take a range of factors into account in its scheduling.

Ms BOLTON: I have two very quick questions for the Deputy Commissioner. The first one is regarding the banning notices for knife crimes. Does this apply to adults and minors or just to adults?

Deputy Commissioner Smith: Just to adults.

Ms BOLTON: The second question is regarding police supervision not being a requirement for QPS civilian monitors. Has the Public Interest Monitor been consulted regarding this?

Deputy Commissioner Smith: I will have to ask Senior Sergeant Carroll to answer that.

Snr Sgt Carroll: To answer your question, in short no. The normal government consultation has been undertaken with internal and external stakeholders. We are conscious of the responsibility that the PIM has in relation to overviewing and ensuring the integrity of the surveillance device monitoring process and the integrity of the final product that is produced from the recording facilities. We are confident that the legislation should continue to satisfy the PIM's integrity in that regard.

Ms BOLTON: In terms of it meeting his expectation or requirements, how is that assessed? Once the legislation is implemented, is there a review? How does that work?

Snr Sgt Carroll: My understanding is that in relation to compiling the brief of evidence that the investigators will use where an electronic surveillance device is being used, a running log is kept of the interpreters' or monitors' audiovisual recordings of what has been occurring. That running log is reviewed by the PIM in that regard. At the conclusion of the surveillance device warrant, a certificate is obtained in relation to the evidence obtained through the warrant itself, and monitors provide a statement as to the information they have obtained through the use of the warrant. That is then provided as a matter of legislation under the PPRA to either the magistrate or the Public Interest Monitor, so it is audited at the end of the day.

Mrs GERBER: I want to circle back a bit to the Parole Board considering applications in time. My understanding is that there is currently around 16 cases before the Supreme Court on judicial review in relation to the Parole Board not considering case applications within the period of time. My

understanding is that in those cases not being heard in time, the prisoner loses their legal rights within the extension of time to apply to the Parole Board. Do the amendments in this bill remedy that by giving the Parole Board more leniency in relation to the time it has to consider applications?

Chief Supt Humphreys: I did not quite understand the first part of the question. I can say that the Corrective Services Act provides a legislative time frame within which it should consider a prisoner's application. It may also defer an application, for instance, to seek further information such as a psychiatric report or some other information. The effect of the amendments is to extend that time frame. Yes, that does flow through into the grounds on which a judicial review application might be made in terms of the timeliness of its decision. I hope that answers the question.

Mrs GERBER: In relation to the prisoner's lost rights of review during the judicial review process, by extending the time for the Parole Board to consider the application, does that have any impact?

Chief Supt Humphreys: I do not think it is correct to describe it in terms of a lost right of review. The bill does not amend the Judicial Review Act in any way. A prisoner could in theory make an application for judicial review within the time frame that is legislated. I could not comment on how the time frame affects the success of a judicial review application. It certainly does not remove a right of the prisoner.

Mr HUNT: My question is across both agencies. I will just throw it out there and it might be helpful to hear from both agencies in any case. It relates to the new indictable offence—and, on a personal note, I am very supportive of it—of wilfully and unlawfully seriously injure or kill a police dog or horse or corrective services dog. I wonder if you could provide some history and context to that and how you see it rolling out, aside from the very obvious, in the future? I apologise I could not direct that to a specific agency, but it is across agencies.

Deputy Commissioner Smith: I am happy to start the reply. To put the question into context, do I understand it to be: why do we need the new offence?

Mr HUNT: Certainly.

Deputy Commissioner Smith: At the moment there is a number of offences that are potentially available with respect to killing or injuring police dogs or horses. They are not specifically targeted at the working dogs inside either the Police Service or Corrective Services. Under the Police Service Administration Act there is a simple offence of killing or injuring police dogs or horses. That has a maximum penalty of 40 penalty units, or two years imprisonment. Under section 242 of the Criminal Code there is a serious animal cruelty offence. Under the animal care and protection laws there is an animal cruelty prohibition offence, which again is a simple offence, but it does not specifically relate to police or corrective services dogs or horses. There is a very old offence in section 468 of the Criminal Code that has a maximum of two years imprisonment, and if it is livestock that is commercially farmed, it is for seven years.

The background to this specifically from the Police Service perspective is that in February 2020 police dog Kaos was stabbed by two offenders after they fled from a stolen motor vehicle. Kaos suffered a 15-millimetre, full thickness laceration in his oesophagus, damage to his trachea and nerve damage. He received urgent life-saving veterinary care and he has since returned to active duty.

In this particular case when the facts were put together a charge was preferred under section 242 of the Criminal Code. However, it was quite clear from the way in which the charge was dealt with by the prosecutors that it was not possible to show that the offenders intended to inflict severe pain or suffering, which is one of the elements that was under that Criminal Code offence. The belief at the time—and it is carried through into the policy position that is contained in this proposal in the bill—was that the simple offence under the Police Service Administration Act was quite inadequate.

Had Kaos died, which fortunately he did not, it would have cost us about $30,000 to replace him. It is not just that; because of the service that these dogs provide they are almost irreplaceable in real terms. The belief was that the available offences were not specific enough and having regard to the importance of the animal to the Police Service, the available penalties were not adequate for purpose.

The other thing it does is it also provides some protection, if you like, for the police officers who work with these dogs. If the dogs are seen as a worthless commodity to offenders, it makes it very risky for our police officers who will work hard to protect their animals. It is not just protecting the animals and ensuring there is an adequate punishment; it actually provides some protection to their handlers.

Chief Supt Humphreys: If I can add to that, this is an excellent example of Queensland Police Service and Queensland Corrective Services working together on an issue of joint interest. As the member would be aware, corrective services dogs work in closed environments with some of our most dangerous prisoners. Their role includes searching for drugs, assisting with daily supervision of

prisoners, assisting with maintaining control during major incidents, tracking prisoners who have escaped from centres—and touch wood they do not—and conducting high security escorts. Regrettably, some of these tasks do put them in harm's way.

There are existing offences in the Corrective Services Act in relation to particularly killing a corrective services dog. They are simple offences that currently have a maximum penalty of two years. The amendments in this bill will align the penalty for injuring or killing a dog to five years, in line with the police offence.

Mr HUNT: Thank you very much. That was very useful.

Ms BUSH: Coming back to those questions around the new indictable offences, I am interested in the deterrent effect that would have on people—increasing the penalties. Is there a deterrent element, or is it simply about the sentencing and the charge reflecting the severity of the act?

Deputy Commissioner Smith: Having the offences regarded as simple offences, as the member is probably well aware, probably was not providing the necessary deterrent. When you look at the fact that it is a simple offence and the likely punishment when the maximum penalty for most of the available offences was only two years imprisonment, it was probably not adequate and could not be perceived as being an adequate deterrent.

I would point out that in other jurisdictions where there are animal killing offences or injuring offences for animals used for law enforcement, New South Wales has an offence under their Crimes Act which is punishable by five years imprisonment. Similarly, South Australia under their criminal laws has an offence for causing death or harm to working animals punishable by five years imprisonment and the NT has an offence under their Police Administration Act—again a five-year penalty. This brings us into parity.

As to whether or not that will provide a deterrent—I have to say a lot of that depends on the individuals, but at least post offence it makes it very clear how seriously parliament would consider this type of conduct.

CHAIR: That concludes this briefing. Thank you to all the officials who have participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public briefing for the committee's inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 closed.

The committee adjourned at 2.30 pm.