




Speech By  
**Joan Pease**

**MEMBER FOR LYTTON**

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### **AUSTRALIAN CRIME COMMISSION (QUEENSLAND) AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms PEASE** (Lytton—ALP) (5.04 pm): I rise today to speak to the Australian Crime Commission (Queensland) and Other Legislation Amendment Bill 2016. On 24 May 2016 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services, the honourable Bill Byrne MP, introduced this bill into Queensland parliament. The Legal Affairs and Community Safety Committee were given the bill to review. The committee invited written submissions from the public and from identified stakeholders. Only one submission was received and that was from the Queensland Council for Civil Liberties. The Queensland Police Service, the Public Safety Business Agency and Queensland Fire and Emergency Services provided an oral briefing to the committee on 15 June 2016. The Queensland Police Service also provided a response to the submission that was received.

The objectives of the bill are to facilitate the merger of CrimTrac, Australia's policing information sharing agency, into the Australian Crime Commission, the national criminal intelligence agency. The bill also aims to address operational priorities of the Queensland Police Service and the Queensland Fire and Emergency Services.

The bill proposes to introduce a diverse range of amendments and achieves the policy objectives by: amending Queensland acts that currently refer to CrimTrac to refer to the ACC; increasing the quorum at ACC board meetings from seven to nine members; permitting police to use an explosives detection dog, without warrant, to carry out explosives detection operations at licensed premises where an event is being held or in a public place; ensuring it is lawful in the PPRa for a police officer to arrest a person without warrant at the instruction of another police officer, where there are lawful grounds for the arrest; providing police with the power to search a vehicle, without warrant, where it is reasonably suspected the vehicle may contain a knife not in the lawful possession of a person; defining 'public place' in section 51 of the Weapons Act 1990 to clarify the definition of 'public place' with respect to a knife being possessed within a vehicle in public without reasonable excuse; defining 'public place' in section 57 of the Weapons Act to clarify the definition of 'public place' with respect to particular conduct involving possession of a weapon within a vehicle in public without reasonable excuse; and permitting an authorised fire officer of the QFES to require information that will identify or help identify a person reasonably suspected of contravening the Fire and Emergency Services Act 1990 or chapter 7 or 7A of the Building Act 1975. The authorised fire officer may require the information from a government entity, an occupier of the premises or a person who may reasonably be expected to give the information. Also, the bill creates an offence provision for the failure to provide information that is required by an authorised fire officer without reasonable excuse.

The bill will also amend other legislation, including the Animal Management (Cats and Dogs) Act 2008, the Australian Crime Commission (Queensland) Act 2003, the Australian Crime Commission (Queensland) and Other Legislation Amendment Bill 2016, the Child Protection (Offender Reporting)

Act 2004, the Fire and Emergency Services Act 1990, the Police Powers and Responsibilities Act 2000, the Police Powers and Responsibilities Regulation 2012, the Police Service Administration Act 1990 and the Weapons Act 1990.

Having given a brief outline I will now go into more detail on the changes. This bill will facilitate the merger of CrimTrac, which is Australia's policing information sharing agency, into the Australian Crime Commission, Australia's national criminal intelligence agency. The collaboration of the agencies will provide significant law enforcement and national security benefits. The bill introduces a range of amendments such as amending, as I have already said, Queensland acts that currently refer to CrimTrac to refer to the ACC. Alongside the merger there will be an increase in the Australian Crime Commission's board membership from 14 to 15 members and an amendment to the Australian Crime Commission (Queensland) Act 2003 to increase the quorum at board meetings from seven to nine board members so as to constitute a majority. The increase in the quorum will ensure a more even representation between Commonwealth representatives and representatives from each state and territory on the ACC board.

The bill will make various amendments to the Police Powers and Responsibilities Act 2000. These will include an amendment that will give the Queensland Police Service the power to use firearms and explosives detection dogs without warrant to carry out explosive detection operations at licensed premises where an event is being held, in a public place or a tattoo parlour, and will enable a firearms and explosives detection dog to carry out consistent detection at the same places as drug detection dogs. The bill will also change the reference to 'explosives detection dogs' to 'firearms and explosives detection dogs'. This will ensure terminology is consistent in the Police Powers and Responsibilities Act 2000 and will better reflect the duties that the dogs perform.

The Australian Crime Commission (Queensland) and Other Legislation Bill will also amend the PPRA to authorise a police officer to arrest a person without warrant upon direction or instruction from another police officer. This amendment will enable, for example, police officers in Polair 2 or an officer witnessing an event on CCTV or from a distance to direct an officer to arrest a suspect. There are a number of safeguards to ensure that the power to instruct is used only when reasonably necessary, such as in an emergency or at the closure of a large police operation.

The bill will provide an opportunity to address operational priorities within the public safety portfolio. One of the primary concerns of the Queensland Fire and Emergency Services is to ensure that the Queensland community and visitors to the state are accommodated in buildings compliant with fire safety standards. Students, backpackers and itinerant workers, such as those in the fruit picking industry, are vulnerable to being housed in accommodation that does not conform with fire safety standards relating to maximum occupancy, exit access and lighting, the maintenance of fire safety equipment such as extinguishers and the provision of functioning smoke alarms. QFES will seek to identify the owner or person in charge of accommodation in order for the safety breaches to be rectified and, in cases where there is continued transgressions, commence a prosecution. Unfortunately, too often people responsible for maintaining fire safety who are aware of QFES's scrutiny will actively avoid identification.

The bill will provide power for an authorised fire officer to require information about the identity of an occupier, where it is reasonably suspected a contravention of the Fire and Emergency Services Act 1990 or chapter 7 or 7A of the Building Act 1975 has been committed in relation to the premises. The authorised fire officer can then require information, which will identify or help identify an occupier of the premises, from a government entity, an occupier of the premises or a person who may reasonably be expected to give information. This bill creates an offence for failure to comply with the information.

During the committee's consideration of the bill, government members raised some concerns about the reduction of evidentiary safeguards as proposed by changes to section 439 of the PPRA. These changes would allow judicial discretion to admit evidence, unrecorded admissions or confessions where there is noncompliance with the relevant safeguard. Government members' concerns were noted and the Queensland Law Society supported the government members' statement of reservation in relation to the redrafting of section 439. I am pleased to see that the minister has amended the bill to reflect those concerns by omitting the redrafting of section 439 of the PPRA.

Like my colleagues, I feel very proud to be a member of a government where each of us is given the opportunity and the ability to voice our concerns and that our concerns are listened to, reflected upon and acted upon. I thank the minister for taking part in that discussion.

At this point, I would like to take the time to thank my fellow members of the committee. I thank Mr Mark Furner, the chair and member for Ferny Grove, and Mr Don Brown, the member for Capalaba. I thank the non-government members: Mrs Jann Stuckey, the member for Currumbin; Mr Michael Crandon, the member for Coomera; and Mr Jon Krause, the member for Beaudesert. Unfortunately,

they are not in the House at the moment. In particular, I thank the secretariat who worked very hard, as always, to produce wonderful documentation and to support the committee in our process of deliberation. I thank the Queensland Police Service, the Public Safety Business Agency and the Queensland Fire and Emergency Services for their comprehensive oral briefing and also thank the QPS for the submissions that they provided. I thank them for their ongoing support of the communities in which we all live and work, and for their dedication and the care they provide to us. I commend the amended bill to the House.