Speech By

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MEMBER FOR BURDEKIN

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Mr LAST (Burdekin—LNP) (4.15 pm): I rise to speak to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018, a bill which will provide hardworking police officers with the powers necessary to perform their job in a modern and fast-changing police environment.

In 2016-17, 8,292 people were reported missing to the Queensland police. That is an astonishing number of people across Queensland who were reported missing. Unfortunately, as we now know, two of these missing persons were later found to be murdered and 31 were later found to have committed suicide. This bill will introduce a new concept to missing person investigations; namely, searching places for high-risk missing persons. A person is considered a high-risk missing person if they are under 13 years of age or if there is a reasonable suspicion they may suffer serious harm if not found as quickly as possible.

When a person goes missing, time is of the essence, particularly if that person is a young child. There are a number of cases around Queensland over many decades of people who have gone missing and, because a period of time had elapsed before resources were devoted to searching for those missing persons, they were never found. In my patch of the Burdekin the previous officer in charge of the Ayr Police Station, Senior Sergeant Mick Isles, went missing and has never been found.

Police officers need to be able to access a high-risk missing persons residence or place of employment as soon as possible in order to carry out their investigations. Obviously if foul play is involved this consent may not always be forthcoming, thus putting at risk valuable and potentially incriminating evidence or information; hence the need to expand the powers of police officers to be able to enter premises in a timely manner.

The bill will allow a police officer investigating the whereabouts of a high-risk missing person to establish a missing person scene at a place to search for the missing person or to search for information about the person's disappearance. With the advent of technology and, in particular, DNA evidence, it becomes absolutely crucial that the crime scene or the potential crime scene is preserved as soon as possible to allow forensic officers and staff access so they can conduct the necessary searches. Importantly, a police officer will be able to establish this scene under a missing person warrant issued by a Supreme Court judge or a magistrate. As a further safeguard, before applying for the missing person warrant, the investigating police officer must obtain the authorisation of a commissioned police officer.

Other amendments in the bill address the complicated manner in which crime scenes are defined under the Police Powers and Responsibilities Act. Over a period of many years, those crime scenes have grown and have certainly become more complicated to the extent that it is now very difficult and time consuming for police officers to establish those crime scenes. The dispensing of multiple definitions currently in use and the introduction of a new term of a 'crime scene threshold offence' will simplify how crime scenes are established.

The bill will define a crime scene threshold offence to mean an indictable offence which carries a maximum penalty of at least four years imprisonment or an offence involving deprivation of liberty. Investigative impediments associated with accessing locked storage devices which have been lawfully seized under a crime scene warrant have also been addressed in the bill. Of course, I am talking about devices such as mobile phones and computers which have become an integral part of our lifestyle and in a lot of places prove invaluable when investigating offences. The bill provides police with the opportunity to apply to a Supreme Court judge or a magistrate for an access approval order for a storage device that has been seized under a crime scene warrant.

It was not that long ago that mobile phones—I am probably showing my age—iPads and storage devices did not exist. However, we now live in a world where it is a rarity if we do not own one of those devices. Hence, there is a need to update our PPRA provisions to reflect that these days most people have those devices and when it comes to the commission of offences, they often prove invaluable.

In line with changes in technology, it is important that our police officers are given the necessary tools and support by way of legislation to enable them to carry out their duties and, importantly, appropriately investigate the commission of offences. This includes providing police with the power to inspect electronic storage devices in the possession of a person who has been convicted of an offence of administering a child exploitation material website and/or encouraging the use of a child exploitation material website.

Police currently have powers to take a person into custody for a reasonable period following a breach of the peace. However, police have no capacity to search a person who has been taken into custody to prevent a breach of the peace when they are required to be transported by police. Obviously this poses a significant safety risk to both the person being transported and police officers involved in the incident. The search provision allows police to remove any items which could endanger the person or police prior to being transported.

The increasing numbers of civilian watch-house officers has meant that, unlike police officers, assaults against these staff members fall under the provision of the Criminal Code, which subsequently makes it very difficult to prosecute offenders under those provisions. I note the bill will introduce a new simple offence to appropriately deal with offenders who assault or obstruct a civilian watch-house officer in circumstances that are not so serious as to warrant charges under the Criminal Code.

The bill also extends the scope of schedule 2 of the PPRA to include offences under sections 221 and 223 of the Racing Integrity Act 2016 relating to unlawful bookmaking and to opening, keeping, using or promoting an illegal betting place. As honourable members would appreciate, in order to investigate those types of offences it is quite often necessary for a police officer to go undercover or to conduct covert operations in which to gather evidence. Additionally, the bill also extends the scope of schedule 5 of the PPRA to include section 225 of the Racing Integrity Act, which prohibits the use of a service or a facility at an illegal betting place. This will allow authorised police to undertake controlled operations and controlled activities when investigating these offences.

One of the more frustrating aspects of policing is dealing with offences where the driver of a motor vehicle fails to stop at the direction of a police officer. The percentage of unsolved evade police offences has increased from 46 per cent to 63 per cent for the period 2014 to 2017, and those figures confirm the extent of this problem. Of course we all know the inherent dangers involved in police pursuits. Whilst I may not necessarily agree with the current Queensland Police pursuit policy, I do see merit in the proposed amendments that provide for police to issue an evasion offence notice to the registered owner of the vehicle that requires the owner to provide certain information to investigating police regarding the identity of the driver. Of course, this does not help in the case of stolen vehicles, but it will go some way towards identifying offending drivers.

The transportation of an offender for the purposes of taking a photograph or a banning notice makes practical sense. Police need this power to enable offenders to be transported to a police station, a watch house or a police vehicle as is necessary to ensure the continued effectiveness of police banning notices. Of course, they have come into their own in recent years with safe night precincts and ID scanners at nightclubs and those types of venues where intoxicated persons, for example, are banned from a precinct for a certain period.

I now move on to the amendments to be moved by the police minister during consideration in detail. There is no more heinous crime than the commission of sexual offences against members of our community. Queenslanders need to know that reportable offenders are being appropriately monitored and supervised upon their release from prison. Our most vulnerable deserve to be protected from these animals, and that is what they are; I am calling it for what it is. I have had the misfortune, as I say, to come across some of these animals in my policing career, and they do need to be supervised and they

do need to be monitored. If we are to protect our citizens—and that includes women and children in our communities—we need to make sure that we are keeping a very close eye on these offenders when they are released from custody.

There is a fundamental difference here between the position put forward by the government and that put forward by the LNP. Certainly there needs to be GPS tracking of repeat violent sex offenders until they die. The power to extend supervision orders and constant monitoring absolutely needs to be in place to ensure that these people are being monitored at all times. The safety of our community comes first.