




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LISTER** (Southern Downs—LNP) (3.28 pm): As deputy chair of the Legal Affairs and Community Safety Committee, I rise to make a contribution to the debate on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018. I begin by thanking my colleagues on the committee—the member for Toohey, who just spoke in this debate, and the members for Mirani, Lockyer, Macalister and Mansfield and of course all of the committee staff who unflinchingly do a fantastic job for us. Well done to them.

The LNP supports this bill. Its objective is to enhance the efficiency and quality of front-line police services and ensure that policing services remain responsive to contemporary community needs. The bill makes a number of amendments to various pieces of legislation, most specifically the Police Powers and Responsibilities Act 2000. There is also the question of the government's amendments which were introduced just this morning, and I will deal with those later in my contribution.

This bill makes amendments to a number of acts, including the Police Powers and Responsibilities Act and its associated 2012 regulations, the Corrective Services Act 2006 and the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004. The proposed amendments to the Police Powers and Responsibilities Act give our police the powers they need in order to protect our community.

There are several effects of the amendments proposed in this bill. They will introduce a framework to assist police in missing persons investigations. The bill enables police officers to establish a missing persons scene within which they are able to exercise the powers that are analogous to crime scene powers. As part of this amendment, the crime scene threshold offence has been proposed to be reduced to an indictable offence with a maximum penalty of at least four years imprisonment instead of the currently prescribed seven years imprisonment. The effect of this amendment is to reduce the severity of a crime that is necessary for police to be able to prepare a crime scene. This amendment was asked for by the police. I believe in giving the police the powers that they need to keep us safe.

Under this bill, police may apply for a judicial order to access a locked storage device that has been seized under a crime scene warrant. This access approval order for devices such as USB sticks, mobile phones and computer hard drives is useful when investigating or detecting offences involving prohibited material like child pornography and also revenge porn offences.

The bill proposes to change the parole system to allow the Parole Board Queensland to consider a request for the immediate suspension of a person's parole order and to issue a warrant for their arrest. It also introduces a requirement for a prescribed board member to issue a warrant for a parolee's arrest if a prescribed board member decides to suspend the parole order. The bill also creates the new offence of assaulting or obstructing a civilian watch-house officer as well as separating the offences of assaulting and obstructing police into two separate offences. The bill also creates an evasion offence relating to high-speed car chases. The effect of this amendment will be to require registered owners of vehicles to cooperate with police in providing information that will allow them to investigate the offence.

Eight submissions were made to the committee. They were from the Aboriginal and Torres Strait Islander Legal Service, the Bar Association of Queensland, the Crime and Corruption Commission, the Queensland Council for Civil Liberties, the Queensland Law Society, the Queensland Police Commissioned Officers' Union of Employees, the Queensland Police Union and the State Coroner. I thank all groups and people who contribution submissions and made appearances before the committee.

There is a divide between protecting the rights and liberties of individuals who are subject to the proposed changes in the bill as they relate to the enhancement of police powers and the needs of the community. In their submissions, the Queensland Law Society and the Bar Association of Queensland expressed similar concerns. Many of those concerns related to the establishment of the missing persons scene, and they expressed the view that the draft provision was, in their words 'broad and subjective', created the 'potential for misuse' and was a policy that failed to be backed by probative evidence.

The Queensland Law Society and the Bar Association of Queensland were also very concerned about the rights and liberties of owners and occupiers being infringed because of the excessive powers of police, as they put it, in establishing a crime scene without a warrant where residents, or potentially a business owner if it is their premises, could be forced from their premises for up to four days. I was speaking to a retired policeman in my electorate of Southern Downs who is now a farmer. When we discussed these submissions, he rather dryly observed that he would have been much more impressed if he saw those lawyers out the front of Parliament House protesting the infringements on the rights of farmers when it comes to the absence of a warrant as a requirement for the tree police to go in and inspect their properties. When I mentioned this issue at the hearing, I think it fell on deaf ears.

The Crime and Corruption Commission, the Queensland Council of Unions and Protect All Children Today generally supported all of the amendments, as did the Queensland Police Service. The Queensland Police Service welcomed the changes and consistently mentioned that the proposed amendments will be beneficial to police operations. Along with the member for Toohey, I would like to acknowledge the Commissioner of the Queensland Police Service and his staff for making an appearance before the committee. I congratulate the police on the work they do, particularly in my electorate of Southern Downs. I firmly believe that we need to give the police reasonable powers in order to protect our community. They do a very difficult job and I take this opportunity to say hello to all of the police I know in the electorate of Southern Downs.

The LNP supports this bill. It has some concerns about the infringements on the rights and liberties of owners in response to crime scene declarations but, in terms of public interest, it is to our advantage to have police able to cordon off a crime scene to properly investigate it, particularly when life or limb may be at stake. We have already heard from my good friend the member for Toowoomba North, our shadow minister for police, speak about the cuts that the Queensland Police Service has endured under the current administration. The government wants to give the police more powers to undertake their role in preventing and detecting crime and apprehending offenders. That is great but, if the government is taking away their resources, the net result is zero or less. That concerns the LNP. The Leader of the Opposition expressed very eloquently her concerns about rising crime rates at the same time that the Queensland Police Service is being starved of resources.

I turn to the government's amendments that were circulated this morning. As my friend the member for Toowoomba South, the shadow Attorney-General, pointed out, these amendments are a thinly veiled attempt to catch up with the LNP in its announced intention to protect Queenslanders from recidivist sexual offenders. On the surface, these amendments look as though Labor is proposing something similar, but they certainly do not go far enough. It is clear that Labor had no plan B ready in the event a certain offender, whose name has been mentioned a number of times today, is released. It is obvious that, over the weekend, Labor has rushed to cobble together amendments to deal with that eventuality.

The Attorney-General claims that Labor's amendments are not Fardon specific, yet they are being rushed through as part of this bill. These amendments have not been examined by a parliamentary committee. The members of this House are expected to intelligently assess very wideranging amendments without them being put before a committee. They are unlikely to get the scrutiny they need. This is typical of Labor. It talks tough, but does not back it up. The community sees Labor as being weak on crime, wringing its hands over the rights of offenders whilst not really looking after the victims.

Labor's claim that offenders would be GPS tracked cannot be guaranteed. In fact, under Labor's amendments, for a GPS tracker to be applied a reportable offender must engage in concerning conduct that is intercepted by police, brought before a court and sanctioned by a court as part of a prohibition order. That leaves a lot of room for offending against vulnerable people. Labor's laws also do not apply

to all repeat violent sex predators. In particular, Labor neglects the safety of vulnerable women, because these amendments do not relate to all repeat violent sex offenders such as serial rapists whose victims are adults rather than children.

(Time expired)