



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

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Record of Proceedings, 18 September 2018

**POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION  
AMENDMENT BILL**

**Second Reading**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services)  
(12.14 pm): I move—

That the bill be now read a second time.

The Legal Affairs and Community Safety Committee has examined the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018 and tabled its report on 9 August. I take this opportunity to thank the committee for its consideration of the bill and for the valuable work that that committee undertakes. I also express my gratitude for the work undertaken by the committee secretariat, key stakeholders who made submissions to the committee, and Commissioner Ian Stewart and the entire Queensland Police Service team who took part in the public briefing on this bill and the preparation of the work associated with it. In its report, the committee made one recommendation, namely, that the bill be passed. I thank the committee for its support of the bill.

I propose to move amendments to the bill during the consideration in detail of the bill. These amendments relate to the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 and have been circulated in my name. These proposed amendments are required to ensure that those offenders who will no longer be subject to orders under the Dangerous Prisoners (Sexual Offenders) Act 2003 and who have ever been convicted of a reportable offence will automatically be required to report under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004.

This government steadfastly believes the safety of the Queensland community is paramount. The amendments that I intend to move are not intended to be punitive but, rather, are about community safety. We will not tolerate a situation where an offender who has committed serious sexual offences against a child and who has, additionally, been determined by the Supreme Court of Queensland to be a serious danger to the community transitions from the stringent control of a dangerous prisoner detention or supervision order to no monitoring or control whatsoever. The amendments will ensure that any dangerous prisoner with a history of child sex offences is captured under the Queensland child protection scheme and will be a reportable offender for the remainder of their life.

Further, the amendments will require these offenders to make an initial report to the Police Commissioner within 24 hours. This will ensure a seamless transition of offenders from monitoring and supervision by Queensland Corrective Services to the Queensland Police Service. This category of offenders will also be required to report any change of residence or locality where they can generally be found within 24 hours of the change occurring. We are acting decisively and quickly to ensure that into the future an appropriate level of protection for the Queensland community is maintained.

Mr Speaker, I will now return to the bill as it stands, and I thank you for the opportunity to outline the benefits of these new laws in keeping Queenslanders safe. One of the most significant features of this bill is the new legislative power for police to apply to a Supreme Court judge or a magistrate for a high-risk missing person warrant. A missing person warrant will allow police to search a place for a high-risk missing person or for information about their disappearance. The bill provides that a high-risk missing person is a missing person who is under the age of 13 years or who is categorised as high risk as they may suffer serious harm if not found as quickly as possible.

In determining whether a missing person may suffer serious harm, police and the courts may have regard to factors such as: the person's age; any disability or impairment they may have; evidence the person may commit suicide; any history of domestic violence; whether the missing person is experiencing any financial problems; and any suspicious circumstances relating to the person's disappearance, for instance, if the missing person suddenly stopped their normal banking or social activities.

The judge or magistrate, when deciding the application for a missing person warrant, must have regard to: the nature and seriousness of the disappearance of the missing person; the likely extent of interference to be caused to the occupier of the place; the time for which it is reasonable to maintain a missing person scene; and any submissions made by the occupier of the place. The judge or magistrate may issue the missing person warrant if satisfied the missing person is high risk; and for a place that is the person's residence, place of employment or vehicle, they must reasonably suspect the person may be at the place, or that an inspection of the place may provide information about the person's disappearance; or for any other place, they must reasonably believe the person may be at the place, or that an inspection of the place may provide information about the person's disappearance; and the judge or magistrate must also be satisfied that it is reasonably necessary to exercise the missing person powers at the place.

In urgent circumstances the missing person warrant, which is in force for up to 48 hours, can be applied for as soon as reasonably practicable after establishing the missing person scene. Prior to applying for a missing person warrant or establishing a missing person scene in urgent circumstances, investigating police must obtain the prior authorisation of a commissioned police officer. A commissioned police officer is a police officer above the rank of inspector.

It needs to be stressed that in most instances relatives, friends and employers of high-risk missing persons freely provide police with every assistance to enter and search the missing persons residence, place of employment or vehicle to locate the person or obtain information as to their whereabouts. The bill before the House simply provides police with the legislative option to search a place for a high-risk missing person or for information about their disappearance when police are unable to establish that an offence has been committed against the missing person or when consent to search those places cannot be obtained or is not provided. It is about ensuring that our front-line police investigators have the necessary powers and tools to investigate high-risk missing person cases, particularly in the early critical stages of a disappearance.

This government always strives to strike a reasonable balance between the need for police to investigate and solve crimes and the protection of the community and individual rights and liberties. We have achieved this balance in a number of ways. The bill requires police to obtain authorisation from a commissioned police officer prior to applying to a Supreme Court judge or a magistrate for the missing person warrant or to establish a missing person scene in urgent circumstances. Where practicable, police will be required to electronically record the use of these new missing person powers. Further, the Crime and Corruption Commission will conduct a review of the new system five years after commencement.

Queensland has been a leader among other Australian jurisdictions in developing these amendments. This legislation will enhance police investigations into high-risk missing persons. Importantly, it has the potential to save lives—the lives of members of our community when they are most vulnerable, and I have every confidence that these laws will do just that.

Another significant feature of the bill is modernising the manner in which crime scenes are dealt with by front-line police. This bill dispenses with multiple definitions of crime scenes and introduces the new term 'crime scene threshold offence'. The crime scene threshold offence will be an indictable offence punishable by a maximum penalty of at least four years imprisonment or an offence involving deprivation of liberty. Currently, police are only allowed to exercise crime scene powers for offences that impose a maximum penalty of not less than seven years imprisonment. This will ensure that police on the front line are able to secure and protect scenes for serious crimes such as stalking or discharging a firearm through public places. These offences are not captured under current crime scene legislation.

These amendments will not affect existing crime scene legislative safeguards. For example, police must apply to a Supreme Court judge or magistrate for a crime scene warrant. Further, in relation to crime scenes the bill provides that police will be able to seek a judicial order for access information to storage devices such as mobile phones and computers seized at crime scenes. Access information is information such as the PIN code or password to the storage device. This will ensure that police have access to storage devices seized at crime scenes so they can properly investigate these serious crime scene threshold offences. This aspect of the bill reflects the existing power police have under a search warrant to require specified persons to provide access information to their storage devices.

The bill will also strengthen the information requirements contained in the evasion offence notice under the Police Powers and Responsibilities Act. Currently, if a driver of a motor vehicle fails to stop for a police vehicle, police can serve an evasion offence notice on the registered owner of that vehicle if it can assist in the investigation. This bill places additional information requirements on the registered owner of the vehicle when served with an evasion offence notice such as: where the owner was when the evasion offence happened; the usual location of the vehicle when it is not being used; the name and address of each person, including a potential driver known by the owner to have access to drive the vehicle when the evasion offence happened; how each potential driver has access to drive the vehicle; how frequently each potential driver normally uses the vehicle and for how long each potential driver normally uses the vehicle; and whether each potential driver uses the vehicle in connection with a business or for private use. On occasions where the owner of the vehicle is not the driver, this additional information will assist police in ensuring that offending drivers are brought to justice.

Having drivers held accountable for their actions is a key factor in making our communities a safer place. This additional information is part of the government response to the 2011 recommendation in the then Crime and Misconduct Commission's report *An alternative to pursuit: a review of the evade police provisions*. The bill also includes a new simple offence where the driver or nominated person fails to provide a statutory declaration in response to an evasion offence notice. The new offence is punishable by a maximum of 100 penalty units.

Our government makes no apologies for strengthening the powers needed by front-line police to investigate and solve evasion offences. Drivers who wilfully evade police interception place all road users at serious risk of harm, and the amendments in this bill go a long way to addressing this concern. It is important to note these amendments have also received a strong endorsement from Professor Geoffrey Alpert, who is an international expert in his field. Professor Alpert says, among other things, 'It is such an important bill and it will protect the police and the public.'

The remainder of the bill modernises police powers and provides efficiencies for police and Parole Board Queensland. These remaining amendments include: clarifying that a numberplate confiscation notice can be attached to a vehicle subject to impoundment even if the vehicle has no numberplates attached; a new simple offence for owners of vehicles subject to a numberplate confiscation notice not to modify, sell or dispose of the vehicle; allowing police to search a person detained for breaching the peace when they are to be transported by police; allowing police to transport a person in order to photograph them for a police banning notice; a new simple offence when a person assaults or obstructs a civilian watch-house officer; separating the offence of assaulting or obstructing a police officer into two distinct offences to improve information capture; including unlawful bookmaking offences under the Racing Integrity Act 2016 as controlled operations and controlled activity offences in schedules 2 and 5 of the Police Powers and Responsibilities Act; including 10 Commonwealth child sex offences as reportable offences under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004; including two child sex offences as prescribed internet offences under section 21B of the Police Powers and Responsibilities Act; allowing a notice to appear for traffic offences to be posted to the most recent address; removing the necessity to prove instruments of delegation for police, transport and state penalty prosecutions; standardising the issue of a fail to appear warrant by the court under the Police Powers and Responsibilities Act; enabling Parole Board Queensland to directly consider and decide a request from the chief executive for immediate suspension of parole; enabling the cancellation of a prescribed prisoner's parole order by Parole Board Queensland sitting as three members rather than five; and for life sentence prisoners whose parole has been refused, extending the period of time in which the prisoner can make a further application for parole from six months to not more than 12 months.

Every part of this bill serves to protect the community and provide police and Parole Board Queensland with stronger, better legislative tools to do what they do best: keep us all safe. I commend the bill to the House.