




Speech By
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MEMBER FOR MACALISTER

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

 **Mrs McMAHON** (Macalister—ALP) (3.38 pm): I rise to contribute to the debate on the Police Powers and Responsibilities and Other Legislation Amendment Bill. I would like to start by thanking the committee—the chair, the member for Toohey; the deputy chair, the member for Southern Downs; the member for Lockyer; the member for Mansfield; and the member for Mirani—for their time and deliberation on this bill. I would also like to thank the secretariat for their ongoing professional assistance and diligence in this process. I would also like to acknowledge the officers of the Queensland Police Service and Queensland Corrective Services who prepared briefs and appeared before the committee. I would like to thank all the stakeholders who prepared submissions and attended the public hearings.

Our police officers throughout Queensland are charged with performing a service that is vital to our broader society and, more specifically, to the communities in which we live, work and play. They are required to preserve the peace and good order of our state, protect all communities within the state and the members thereof, prevent crime, detect offenders and bring them to justice and uphold laws generally.

Queensland is in the envious position of having a highly trained, modern and professional policing service for which we can be justifiably proud. It is incumbent upon us as legislators to ensure that our police have the legislative tools to carry out their important functions but also balance this with the transparency and accountability that a modern society demands.

A missing person job, a 524, is a relatively common job for police to attend. Thousands of people will be reported missing in Queensland each year. The number on average is over 8,000. Thankfully, in Queensland around 99 per cent of these people will be found without further incident. However, for the remaining one per cent police will have to deploy a range of investigative techniques to determine the person's location and the outcome of the missing persons report.

Whereas most police investigations start with the commission of a crime and work back to find the identity of the unknown perpetrator, a missing person investigation starts with a known identity and works back to determine whether a crime has or has not been committed. The absence of certainty over the commission of a crime means that several police powers are not available for police during a missing person investigation. The introduction of powers surrounding the investigation of high-risk missing persons will close the gap and provide our front-line police with the ability to investigate and gather evidence at the first available opportunity.

Currently police may search for clues surrounding the disappearance of a person with the consent of the occupier of a place. In most cases this may be freely given, however, in some cases this consent may not. Police currently have to meet a threshold in order to obtain a search warrant—that is, they must be able to demonstrate a level of suspicion that a crime has occurred in order to collect the evidence of that crime. In cases where there has been a crime committed it may take some time for police to reach that threshold of reasonable suspicion, and in the intervening period valuable time and evidence may have been lost forever.

This amendment bill provides for the first time a legislative definition of a high-risk missing person. In clause 27 a person may be classified as a high-risk missing person if they are under 13 years old or a police officer, judge or magistrate reasonably believes that the person may suffer serious harm if not found as quickly as possible. In determining whether a person may be at risk of serious harm, the officer may take into consideration the person's age, any disability or other impairment, mental or emotional state at the time of disappearance, dependence upon medication, recent behaviour and history of domestic violence among a not-exhaustive list.

One aspect that probably should be highlighted is that under this new definition of high-risk missing person and the new powers that are associated with it, it is not restricted to the suspicion of offences alone. This is an important point. Not all people who go missing are victims of a crime. The figures from the financial year 2016-17 show that of the 8,292 people who were reported missing to Queensland police, two were the victims of homicide and a further 31 had committed suicide.

In those instances where a person has gone missing and there is a concern that they are likely to self-harm, police would have struggled to establish the requisite reasonable suspicion of a crime in order to search a place without a warrant for clues of their whereabouts. This amendment will provide police with the ability to establish a missing person scene if the officer is satisfied that the missing person is a high-risk missing person and that the matter is of such urgency that the otherwise required procedures of returning to the station, completing a missing person search warrant application and applying to a judge or magistrate would cause a significant delay in finding the person.

Do not be mistaken: the first hours of any investigation of a missing person, particularly a vulnerable one, are paramount to the final outcome. I believe that there are sufficient safeguards surrounding the use of such a power. A police officer in the first instance must apply to a commissioned officer of the QPS in order to establish the missing person scene and exercise such powers. Then, as soon as is reasonably practicable, the officer must apply for a missing person warrant.

The establishment of a missing person scene will allow the officer or any other officer acting under the responsible officer to enter the scene, perform any necessary investigation, search or inspection to obtain information about the person's disappearance, open anything that is locked, use electricity at the scene, photograph anything at the scene and seize anything that may provide information about the missing persons disappearance. These powers will now give police the power that they need to better assess the risk of each missing person case and potentially commence an investigation immediately upon determining that the person is high risk. Delays which further endangered a missing person can now be addressed.

During my time on the road, a missing person job would have been, and still is, considered bread and butter general duties. I would have taken several reports in any given week, most of these resulting in a positive outcome. I have searched for and located innumerable missing persons, but I can tell members firsthand the feeling of frantic desperation that pervades when a person is considered high-risk, especially when they are a child or a vulnerable person. At the time I had the powers of the PPRA as it stands, but if I had these powers available to me, my colleagues and I could have potentially located high-risk persons sooner or otherwise determined their status to alleviate the concern and heartache of their loved ones.

Backing our general duties officers, backing their judgement, trusting in their years of experience and their finely honed investigative skill is a vote of confidence in our officers. They are doing their best out there every day, often in trying circumstances. This government is about giving them the tools that they need to better protect Queenslanders and perform their vital functions. I commend this bill to the House.