




Speech By  
**Peter Russo**  
MEMBER FOR TOOHEY

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

 **Mr RUSSO** (Toohey—ALP) (3.17 pm): I rise to recommend that the House pass the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018. The Legal Affairs and Community Safety Committee tabled its report during the 30th anniversary of National Missing Persons Week. Over 38,000 missing persons reports are submitted to police every year in Australia. The family and friends of those people are left to deal with the uncertainty of not knowing what has happened to their loved ones, and it falls to the police across our nation to try to find these missing people or, sadly, where they have met with foul play, to find the person or persons responsible and bring them to justice.

In its examination of this bill the committee's task was to consider the policy aims to be achieved by the legislation as well as the application of fundamental legislative principles, including whether the bill has sufficient regard to the rights and liberties of individuals.

Among the measures proposed in this bill are increased powers for Queensland police to search properties associated with high-risk missing persons such as young children or prior victims of domestic violence. The committee is aware that there is a trade-off between increased police powers and the rights and liberties of those persons whose homes might be searched. However, we consider that the safe return of vulnerable high-risk missing persons must be given priority and police must be given the legislative tools they need to locate them or find answers as to what has happened to them. Accordingly, the committee recommended that the Police Powers and Responsibilities and Other Legislation Amendment Bill 2018 be passed.

On behalf of the committee, I thank those organisations that made written submissions and gave evidence at the public hearing. I also thank the Commissioner of Police and other officers from the Queensland Police Service and Queensland Corrective Services who assisted the committee at the public hearing. Finally, before dealing with the amendments proposed by the bill, I want to thank our Parliamentary Service staff for their assistance.

The objectives of the bill are to amend the Police Powers and Responsibilities Act; introduce a new concept to missing persons investigations; introduce the term 'crime scene threshold offence' to simplify when a crime scene may be established; enable police to apply to a Supreme Court judge or magistrate for an access approval order for a storage device that has been seized under a crime scene warrant; allow police to inspect electronic storage devices; allow a police officer to search a person who has been taken into custody to prevent a breach of the peace; introduce a new offence to deal with a person who assaults or obstructs a civilian watch-house officer; separate the offence of assault or obstruct a police officer into two offences; include offences to unlawful bookmaking and to opening, keeping, using or promoting illegal betting places; to create an offence for the use of a service or facility at an illegal betting place; give effect to the seven legislative recommendations of the 2011 Crime and Misconduct Commission review into the evade police provisions; introduce a new offence with regard to vehicles subject to a numberplate confiscation; allow police to take a person issued with a police banning notice from the scene for the purpose of taking their photograph; widen the methods by which

service of a notice to appear may be effected; make amendments to the Child Protection (Offender Reporting and Offender Prohibition Order) Act to include 10 child sex offences under the Commonwealth Criminal Code Act as reportable offences in Queensland; make amendments to the Corrective Services Act relating to the Parole Board; and amend the Police Service Administration Act, the Transport Planning and Coordination Act, the Maritime Safety Queensland Act, the Motor Accident Insurance Act and the State Penalties Enforcement Act to remove the obligation for proof of a delegation to accompany an evidentiary certificate.

The bill proposes to introduce a new framework to assist police in missing persons investigations. At present, in most missing persons investigations police are given permission to enter the missing persons home, workplace or vehicle to search for the person or to seek information that may help them find the missing person. However, if an owner or occupier does not permit police to enter, the police cannot apply for a search warrant or a crime scene warrant to enter or search the premises unless there is some evidence that the missing person is the victim of a serious crime. The minister highlighted the uniqueness of the new powers when he said—

These are important and potentially lifesaving powers and this parliament should be proud to have a bill before it which provides an Australian first in respect of enhancing community safety and providing our police with those potentially lifesaving powers.

While no Australian jurisdiction has similar missing persons powers to those in this bill, some Canadian provinces have missing persons legislation.

I will now move on to another part of the bill that will make it safer for police officers to go about their everyday duties in keeping Queenslanders safe in our communities. If a police officer reasonably suspects a breach of the peace is happening or has happened, or there is an imminent likelihood of a breach of the peace or there is a threatened breach of the peace, the police officer may take reasonable steps to prevent the breach of the peace, including receiving a person into custody. According to the explanatory notes, taking a person into custody 'often calms a situation and is an alternative to arrest in many instances'. The bill proposes to provide police with a power to search a person who has been detained in relation to a breach of the peace and is to be transported by police. The police would be able to take and retain, while the person is in custody, anything that could endanger the person or police.

Turning to another aspect of the bill, persons dangerously driving to evade capture by police is a safety issue for not only police officers but the unsuspecting public going about their day. The CMC conducted a review of the evade police provisions in the PPRA in 2011 and the bill before the House proposes to give effect to the seven legislative recommendations of the review.

I will now deal with some other amendments which I will describe as sensible amendments to make the PPRA legislation workable for both police and the community they have contact with. The bill proposes to amend the PPRA to allow a notice to appear for an offence against the Transport Operations (Road Use Management) Act or the heavy vehicle national law in Queensland to be served on a person by registered post to the person's place of business or residence last known to police. This is in addition to the current service options that allow for service at an address stated on the person's driver's licence or current certificate of registration. The intent of the amendment is to ensure that the most current address can be used by police for service of a notice to appear for certain traffic matters. The amendment to the methods of service would enable service of a notice to appear where an alleged offender has recently moved to a new address and has not updated his or her licence or registration.

I will now move on to the proposed amendments to the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 to be moved by the minister, highlighting our Labor government's commitment to keeping Queenslanders safe and delivering laws that are enforceable and valid. Offenders are placed on orders under the Dangerous Prisoners (Sexual Offenders) Act due to the serious nature of the offences they have committed, including child sex offences, and the serious danger they pose to the community. The amendments will ensure that post-DP(SO)A reportable offenders will be subject to a continued appropriate level of monitoring upon their integration back into the community. Additionally, when it is deemed necessary because a post-DP(SO)A reportable offender has exhibited conduct of a concerning nature, the Police Commissioner will be able to make an application to a magistrate for a prohibition order.

I commend the bill to the House.