




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 19 February 2020

POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services)
(3.02 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 2019 and tabled its report on 4 November 2019. I take this opportunity to thank the committee for its consideration of the bill and for the valuable work the committee undertakes. In its report, the committee made one recommendation, namely, that the bill be passed, and I thank the committee for its support of the bill. I intend to propose amendments to the bill. These relate to the Prostitution Act 1999 provisions in the bill and these amendments have been circulated in my name. The amendments will omit provisions in the bill relating to the Prostitution Act because the Attorney-General has made a commitment to refer the development of a regulatory framework for the sex industry to the Queensland Law Reform Commission.

This bill will advance the safety and security of the Queensland community and provide efficiencies and improved operability for the Queensland Police Service. Technology is changing rapidly and in today's world we have an expanding range of digital devices including laptops, smartwatches, tablets and smartphones. These devices have become increasingly mobile and have the capacity to store large amounts of information, either on the devices or through the devices on internet services, sometimes referred to as 'the cloud'.

The majority of the community uses their digital devices for social, work and other well-meaning purposes. But for criminals and organised crime syndicates, digital devices can provide opportunities to commit offences and conceal evidence of those offences from law enforcement. Criminal elements do this by protecting access to their devices by passwords and encryption code.

The Queensland Police Service has obtained legal advice indicating that current access information provisions in the Police Powers and Responsibilities Act 2000 are ambiguous. Due to the ambiguity, the QPS has been advised that police cannot obtain an order which is issued by a magistrate or judge to access social media accounts such as Instagram and private email accounts such as Outlook.com, even where police have information or evidence suggesting there is evidence of offences on a person's email or social media accounts.

While child sex offenders can offend online by many different methods, they most often offend by pretending to be a child on social media accounts popular amongst children, such as Twitter and Instagram, before engaging with and sexually offending against children. The murder of 15-year-old Adelaide girl, Carly Ryan, by a 50-year-old Melbourne based paedophile, Gary Newman, who was

posing online as an 18-year-old musician is just one example. When police located Gary Newman, within 11 days of the murder, he was found at his computer using his fake identity to talk to a 14-year-old girl in Western Australia.

In its October 2015 report, the Queensland Organised Crime Commission of Inquiry highlighted, through numerous case study examples, the propensity for child sex offenders to utilise social media applications to sexually offend against children. The use of passwords and encryption codes to block access to information stored on computers enables offenders to conceal evidence of a diverse range of crimes including homicide, sexual assault, drug trafficking, child abuse, cybercrime—for example fraud and revenge porn—and terrorism.

This government demonstrated it is alert to developing trends in cybercrime when it passed new offences targeting revenge porn through the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Act 2019.

The amendments in this Police Powers and Responsibilities and Other Legislation Amendment Bill will ensure police are able to efficiently detect, investigate and prosecute a variety of offences that may be concealed on or facilitated by technology. Changes to access information order laws in the bill will clarify existing powers so they operate as intended and are future proofed as far as is foreseeable.

The bill also makes clarifying changes to access information orders in other relevant Queensland legislation so that officers of the Crime and Corruption Commission and police officers utilising the Public Safety Preservation Act 1986 and Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 will have clarification as to the scope of information lawfully accessible on or through a digital device in that legislation.

Further, important safety measures in this bill will permit police to search a person prior to transport under section 134A of the Domestic and Family Violence Protection Act so the safety of all persons can be ensured and the worst-case scenarios of a death in custody or serious injury to police officers or other members of the community can be avoided. In addition, appropriately qualified staff members of the Queensland Police Service will be enabled to share domestic violence information with other government and non-government agencies.

The purpose of the information sharing framework in part 5A of the Domestic and Family Violence Protection Act is to assess whether there is a serious threat to the life, health or safety of people because of domestic violence; respond to serious threats to life, health or safety of people because of domestic violence; and refer people who fear or experience domestic violence, or who commit domestic violence, to specialist service providers. The amendment will improve efficiency of information sharing by increasing the capacity of the QPS to share information and better protect the victims of domestic violence.

I will briefly comment upon other amendments in the bill that translate to frontline efficiencies for the Queensland Police Service. These remaining amendments include updating the definition of 'controlled activity' so police can make use of modern forms of technology such as texting and any other forms of communication when using the provisions; broadening the delegations for approval of controlled operations to allow for a timelier response to information and intelligence regarding serious crime; ensuring surveillance device warrants can be used in a vehicle for a named person warrant; permitting the owner of a vehicle to voluntarily transfer their vehicle to the state if it is impounded under chapter 4 of the Police Powers and Responsibilities Act—this will be especially useful where impoundment fees may exceed the value of a vehicle, leaving the vehicle owner and potentially the holding yard operator out of pocket; and repealing sober safe centre trial laws which occupy a division and various sections throughout the Police Powers and Responsibilities Act.

These amendments will also reduce the time the Queensland Police Service is required to hold found property from 60 days to 30 days, noting particularly that, due to advances in technology, reports of lost property may be made online and over the phone and online search capabilities allow for the comparison of lost property reports against found items. The Queensland Police Service's capacity to advertise lost property to the community is far reaching through the Queensland Police Service's social media sites, traditional media channels and via formal advertising on the Queensland Police Service website, which has recently been upgraded. Also, there will be no reduction of the 30 days for an owner to make a claim on found property from when a written notice is published. These changes will assist the Queensland Police Service in dealing with the increasing costs associated with storing and handling this property.

Finally, the Weapons Act 1990 will be amended to provide a licensee who has had their weapons licence suspended to have 90 days instead of 30 days to show that they are a fit and proper person. The bill places positive obligations on armourers to ensure that before they modify a firearm that would

place it into a new category of weapon they are obliged to check that the weapon's licensee is licensed to hold that category of weapon. The armourer will also be required to immediately record the details of a modified weapon in the register and notify the Weapons Licensing branch of the Queensland Police Service within 14 days so the Commissioner of Police can maintain an accurate statewide firearms register.

This bill demonstrates a proactive approach to ensure that criminals who use digital devices to facilitate or conceal offences do not avoid prosecution due to technical loopholes. It creates efficiencies for the Queensland Police Service, meaning more frontline police are available to respond to emergency calls. These aspects of the bill ultimately provide for and enhance the safety and welfare of the Queensland community. I commend the bill to the House.