




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 20 February 2020

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

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (11.44 am), in reply: I thank all members who made a contribution to the debate on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. As technology develops, it is critical that police have the powers they need to keep communities safe and to keep pace with new and emerging methods of criminal offending. Cybercrime has the potential to impact on the most vulnerable members of our community; for instance, the elderly who are defrauded by scam emails and websites and young people on social media who run the risk of being exposed to sexual predators on the darknet. This bill provides clear guidance for those enforcing the law and leaves no room to hide for those who break the law. There are a number of sensible efficiencies in the bill that will provide more frontline police where they are needed most when they are needed most.

I now address some of the specific issues raised by members during the debate. The member for Mirani commented that the amendments around information access orders do not require a justice of the peace to be satisfied of anything before granting the order. The member also commented that, once access has been obtained, police will be able to access all information on the storage device and that that power is too wide. In response to the member for Mirani, I point out that section 154(1) of the Police Powers and Responsibilities Act makes it very clear that only a magistrate or judge may issue an order to access electronic information. The bill does not alter this requirement. An access information order can only be issued by a magistrate or judge—not a justice of the peace.

It is also necessary to point out that there is an existing legislative threshold requirement tied to an access information order by virtue that the access order is applied for with a search warrant or a crime scene warrant. In accordance with section 9 of the responsibilities code, when making a search warrant application under section 150 of the Police Powers and Responsibilities Act the application must state the information or evidence relied on to support a reasonable suspicion that evidence of the commission of an offence is at the place. From there, a magistrate or judge would then consider whether the information or evidence relied upon supports a reasonable suspicion that evidence of the commission of an offence is contained on a digital device at the place. The current legislation clearly articulates the need for these thresholds to be met.

In relation to the member for Traeger's concerns about evidence to support the amended definition of 'magazine' in the Weapons Act, I can advise that the amendment to the definition of 'magazine' in the Weapons Act will ensure that the total ammunition capacity of a weapon is captured. Further, the evidence base for this amendment in the bill ensures consistency with the national firearms agreement. This information was clearly articulated in the explanatory notes to the bill.

The National Firearms Agreement requires certain types of firearms to be categorised in accordance with their magazine capacity, with greater restrictions generally applying to weapons with greater capacity magazines. As articulated in the explanatory notes to the bill, the current definition of 'magazine' in the Weapons Act has the potential to cause confusion and create a legal inconsistency

between the Weapons Act and the categories regulation. This is because the Weapons Act does not specifically cover magazines with the capacity to hold ammunition that is an integral part of the firearm itself, such as a tubular magazine. The bill addresses this by including definitions of 'magazine', 'detachable magazine', 'integral magazine' and 'magazine capacity' in the Weapons Act. This means that those definitions will automatically apply to subordinate legislation and provide consistency throughout.

This government is committed to keeping communities safe, particularly our most vulnerable members of the community, victims of domestic and family violence and young people. The measures in this bill will certainly do that and also ensure the safety and security of all Queenslanders. I commend the bill to the House.