




Speech By
Peter Russo
MEMBER FOR TOOHEY

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (3.22 pm): I would like to speak in support of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. The Legal Affairs and Community Safety Committee, in its report No. 55 which was tabled in this Assembly on 4 November 2019, has recommended to the Assembly that this bill be passed. While evolving technology provides many benefits for society, it also provides an opportunity for crime to flourish. Criminal elements are using digital devices to facilitate and conceal information about their offending and police, along with Crime and Corruption Commission officers, need adequate powers to require access to a suspect's password and encryption protected devices.

This bill makes clarifying changes to access information provisions in order to align the sections with their original intent and to provide broader terminology in an effort to future proof the provisions. In its report, the Queensland Organised Crime Commission of Inquiry provided several case study examples that revealed a propensity for child sex offenders to use social media applications to interact with and offend against children.

One of the amendments made by the Serious and Organised Crime and Other Legislation Amendment Act 2016 was to clarify that police could gain access to information that was stored in cloud services through a device. However, the terminology used in the provisions made the scope of the information police could access through a court order unclear. On one interpretation, the words 'stored information' could be taken to mean any information stored on social media applications, email accounts, messaging services and so on. On the narrower interpretation 'stored information' means information physically stored on the device or information stored in cloud service facilities that are designed specifically for storage of excess information, for example, Dropbox. Due to the absence of a definition for 'stored information' and the resulting ambiguity, legal principles—that is, the principle of legality—dictate that the narrow meaning should be adopted. This bill simply removes this ambiguity so the provisions can continue to operate. I support this approach to ensuring that police in this state can keep pace with criminals who are using technology to commit a diverse range of offences.

On 21 October 2019, the committee received correspondence from the minister advising that he had been informed by the Hon. Yvette D'Ath MP, Attorney-General and Minister for Justice, that she intended to refer the development of an appropriate regulatory framework for the sex industry to the Queensland Law Reform Commission. The minister further advised that, given the decision to refer this matter to the QLRC, the Premier had granted permission to remove proposed amendments to the Prostitution Act 1999 from the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. As outlined today by the minister during his second reading speech, these are amendments to be moved during consideration in detail. I commend the bill to the House.