




Speech By
Stephen Andrew

MEMBER FOR MIRANI

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

 **Mr ANDREW** (Mirani—PHON) (3.54 pm): I rise to speak on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. There are a number of provisions in this bill which concern me greatly. As an old lawyer once said, 'I am an advocate for the broccoli principle of law reforms. You cannot have any new powers until you use up the ones you have got.'

A government member: Who said that?

Mr ANDREW: Old lawyers. If ever there was a proposed law that invites police to ask for more, it is this one. Normally when police apply for a warrant to search a place or a person's electronic device a justice of the peace will issue a warrant if satisfied that there are reasonable grounds to suspect the evidence is at the place or on the device. Under this bill, there is no such requirement. A justice of the peace does not need to be satisfied of anything before granting such a search order. Also, by removing the requirement that police have reasonable grounds to suspect that a particular account or a particular device contains evidence of an offence, there will now be absolutely no limitations set down in the order on the type of accounts police can now demand access to. This means that they can demand access to all of the specified person's accounts, including banking details, email accounts, social media accounts, subscriber accounts, dating accounts and medical records.

Finally, the overly broad definition of specified person in the bill means that the warrant will not be limited to the devices of the person who is suspected of having committed an offence but will include the devices of any person who happens to be at the place being searched or is in possession of an electronic device at the place being searched. As the Queensland Law Society president so dramatically warned members of the committee in the hearing, the powers granted under this bill are so broad and undefined that if such a warrant were issued for a staff member in my office the police could compel anyone else present in the office, including myself, to provide them with access to their phones, computers, email accounts and search history et cetera.

I acknowledge the responses provided by the Queensland Police Service that in practice the provisions of the bill would never be used in this way. However, the question remains as to why the proposed law has been made as broad and open to abuse as it has. Why does the proposed bill contain no limits in terms of either the making of the order or the power it grants?

The concerns contained in the Queensland Law Society submission are not easily dismissed. They are the peak professional body for the state's legal practitioners and their submission makes very clear that they are unhappy about the implications for our democratic freedoms if this bill is passed. They say that they have sought the opinion of three legal experts who believe the bill grants police extraordinary invasive powers and the keys to the kingdom of our digital world. I think parliament should listen to them.

The standard processes for getting a warrant exist to protect us and our democracy. They exist so that we can go about our ordinary business free from unreasonable interference by the police. Applying for a court warrant is not a complicated business. It can be done over the phone. Whilst these powers are being claimed to target child sex offenders, the provisions of this bill are not in any way restricted to that offence and are therefore open to being applied much more broadly than that.

Under section 25(a) of the Human Rights Act 2019, Queenslanders have the right to privacy and a right not to be harassed. I believe that some of the provisions contained in this bill infringe on that right. They are both unclear and far too broad. They reflect the view of those who believe that effective law enforcement and increased police powers are of greater importance today than the preservation and protection of individual rights.

The modification of weapons and the reporting of such does give a better legal framework to both dealers and armourers. That is a very good part of the bill.