




Speech By  
**Trevor Watts**

**MEMBER FOR TOOWOOMBA NORTH**

---

Record of Proceedings, 19 February 2020

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

 **Mr WATTS** (Toowoomba North—LNP) (3.12 pm): I rise to speak on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. The LNP will always support things which make the job of the police simpler and which allow them to compete with the criminals who are trying to evade detection, investigation and prosecution. Largely and fundamentally, this bill enhances police powers so police can get on with the job and conduct thorough investigations against some of Queensland's worst criminals. As the minister said, we are talking about paedophiles and some of the worst offenders in the state. The types of offenders that this bill targets specifically are sex offenders but also—and not to be forgotten—organised criminals who consider themselves above the law. The LNP cracked down on these types of offenders in government and we will crack down on them in opposition and always support legislation that empowers our police to crack down on these types of offenders.

It is without a doubt that these offenders conduct much of their criminal offending through technologies such as cloud services. We all know that our own technology has transferred to cloud services in recent times and it should be widely expected that the criminal fraternity will be doing much the same thing, and this has definitely been a gap. These offenders are often intelligent people who go out of their way to try and outsmart law enforcement so they can continue committing and even promoting their vile acts online. I have no sympathy for sex offenders or organised criminals who destroy the lives of the most innocent and the most vulnerable in our community. It is for these reasons that I support the amendments to the bill which will give the police the certainty that they have the ability to search cloud services of offenders whom they are investigating so that they can gather the evidence they need to prosecute.

Turning to the amendments, I note that currently the Police Powers and Responsibilities Act 2000 provides for access information powers which enable police to apply for an order from a judge or a JP that would require a person to provide access information such as a password or any assistance necessary to gain access to an electronic device so the information on, or accessible through, the device can be obtained by the police. However, as I have already mentioned, the advances in new technology are contributing to offenders using cloud services to manage and promote their criminal activities.

While access to storage of incriminating information on traditional storage mediums such as memory sticks is clearly articulated under the current laws, the current definition of 'stored' prescribed in the Police Powers and Responsibilities Act has created ambiguity with respect to accessing information and the scope of information accessible in cloud services. This bill resolves that ambiguity by making it clear that any information can be accessed within the terms of the judicial order on or

through an electronic device. Not surprisingly, the Queensland Police Union was supportive of these changes and so were the advocacy groups such as Bravehearts and Rape & Domestic Violence Services Australia. In its submission, the Queensland Police Union said—

The proposed new powers contained in the Bill go a long way to ensuring Queensland's police can remain a step ahead and provide them with the tools necessary to effectively police with today's technology.

In a public hearing the QPU went on to say—

Paedophiles are becoming increasingly sophisticated in the way they store their information, including, for example, storing them on email accounts that are kept in the cloud. That makes it very difficult for police to locate that sort of material on their computers, because it obviously is not on their computers, yet they are still able to access it when and as they prefer. This legislation will allow police to download that information and actively prosecute those types of offenders.

The QPU went on to explain how social dating applications such as Tinder are increasingly used and that in recent times quite a number of rape and other sex offences have occurred as a consequence of a complainant meeting an offender through those sorts of apps. The QPU commented—

Having access to that, particularly where it is an offender, will also allow police to identify potential other victims who have been reluctant to come forward or too scared to come forward.

The enhancement in police powers to help detect alleged sex offenders, terrorists and murderers is something that I wholeheartedly support and everybody on this side wholeheartedly supports.

With respect to some of the changes with the Weapons Licensing branch, the two major changes to the Weapons Act relate to the extension of suspension notices and the regulation of firearm modifications. Currently, the Weapons Act allows for an authorised officer to suspend a person's weapons licence where they suspect on reasonable grounds the licence holder is no longer a fit and proper person. I note that, under the bill, the suspension time frame is moving from 30 to 90 days which will benefit a licensee because it will give them more time to demonstrate they are a fit and proper person before their licence is cancelled. I also support the amendments to the Weapons Act which require armourers to sight a person's licence before modifying any firearm to ensure the person holds a licence authorising them to possess a firearm in the new weapons category as well as the change requiring armourers to record any modifications in their firearms register and report to Weapons Licensing about the change.

I turn now to the amendments that have been tabled and circulated which basically withdraw one aspect of the bill. What was originally proposed was a watering down of the penalties from an indictable offence to a simple offence for breaches of the Prostitution Act. I was very concerned about those breaches so I am pleased to see that the minister has withdrawn those from the bill and has suggested that they will be referred to the Queensland Law Reform Commission. There were several areas that I was particularly concerned about.

When representatives from the Prostitution Licensing Authority gave evidence they suggested some of these matters were simply administrative. Some of the matters that we were talking about were a licensee being responsible for checking the proof of the age of a sex worker, sexual health matters, safety and security, sex worker autonomy, inductions for sex workers and approved managers and maintenance and cleaning. I think everybody would agree that these in no way are administrative and in no way should the penalties for breaches, particularly of checking the age of a sex worker, be watered down to a fine with a maximum penalty of a couple of thousand dollars.

I support that they have been withdrawn and I put on record clearly for the Law Reform Commission, as it considers the new framework once it is referred to it, that the LNP would not support legislation that waters down the penalties for such serious breaches of the Prostitution Act. I believe they should remain indictable offences. A judge can always sentence lower than the maximum, but if the maximum is a couple of thousand dollars then that has the potential to become the cost of doing business. When it comes to checking the age of a sex worker or sexual health matters, failure to comply with those guidelines is a very serious breach of the trust of our community and needs to be upheld in the extreme.

From my point of view, giving the police the powers they need to keep organised crime and some of these perverse paedophiles and other sex offenders in check and giving them the ability to investigate and gather the evidence that will lead to a prosecution is something that I support. I note that some changes will mean an increase in regulation for armourers, but that is a small price to pay to protect our community from gun crime. Overall the bill is administrative in nature. I am pleased to join with the Queensland Police Union in supporting the majority of the bill. I am pleased to support measures to ensure that our Police Service has all the powers it needs to restrict crime in our communities in Queensland.