Speech By

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MEMBER FOR BURDEKIN

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Mr LAST (Burdekin—LNP) (3.10 pm): I rise to contribute to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. I state at the outset that the LNP will not be opposing this bill. However, there are a number of provisions contained within this bill that members on this side of the House will be speaking to, not the least of which are the changes to parole decisions and the delays around the processing of parole applications.

I note the main objectives of the bill are to reduce knife crime by expanding the police banning notice regime to apply to a person who unlawfully possesses a knife in a relevant public place; to limit retraumatisation of victims' families and friends by introducing a new framework for parole decisions about a life sentenced prisoner who has committed multiple murders or who has murdered a child; to strengthen the no-body no-parole framework to incentivise earlier prisoner cooperation to locate a homicide victim's remains; to provide the Parole Board Queensland with greater flexibility to respond to increased workload and the risks different prisoners pose to community safety; to create administrative and operational efficiencies for the Queensland Police Service, enhance intelligence gathering about dangerous drugs and ensure Commonwealth child sexual abuse offences are updated in Queensland legislation; and to create indictable offences for wilfully and unlawfully killing or seriously injuring a Queensland Corrective Services dog, a QPS dog or a QPS horse.

Firstly, I will speak to the amendments relating to knife crime, specifically around licensed premises, where alcohol is sold and in safe night precincts. When it comes to safe night precincts, I can offer real-world input because during my time in the Queensland Police Service I was tasked with implementing the safe night precinct in Townsville from scratch. That was a huge undertaking and made a significant difference to that particular community at the time. I remind all members of the House that it was an LNP government that implemented safe night precincts. While there have been changes since their introduction, the provision of a safe place for socialising is something the LNP has always, and will always, support.

The bill intends to expand the police banning notice regime by empowering police to exclude persons in possession of a knife in contravention of section 51 of the Weapons Act for a period of no longer than one month. I note references in the explanatory notes to two recent murders involving knives in safe night precincts and to the fact that police are 'increasingly concerned with the disregard shown by some offenders'. The increasing carriage of knives in public places and the propensity of offenders to use knives in altercations in public places is cause for concern. This is a worrying trend identified by our police officers on the front line and it is only right and proper that we should be beefing up the laws around the carriage of knives in a public place.

Given the ongoing issues in our justice system, I would also ask the minister to clarify how the period of one month was arrived at and ask the minister to comment on whether that period does indeed allow sufficient time for the charge to be heard in a court of law.

Safe night precincts are located in key entertainment areas across Queensland. Regardless of where we live, Queenslanders are entitled to a safe night out and that is why the LNP is supporting the amendments before the House, allowing the trial of handheld scanners for locating knives. I also add that section 51 of the Weapons Act relating to the possession of a knife in a public place or a school does not apply to a person who carries a knife on his or her belt for performing work in primary production. There is a lot of scuttlebutt out there about that and I wanted to put that on the record here today.

I will now move on to the amendments that relate to civilian police employees and contracted translators. Hollywood would have us believe that monitoring phone calls, messages and surveillance devices involves sitting in a van for a few minutes until the criminal mastermind inadvertently reveals his dastardly plan. Nothing could be further from the truth. While one of the strengths of the men and women who serve Queensland in the Police Service is their diverse backgrounds, it is not always possible for police officers to translate languages other than English. For that reason, civilian police employees and contracted translators are used to assist during surveillance and communication interception operations. Given the multinational approach that some criminals are now taking, it is even more imperative that communications in languages other than English can be interpreted in a timely manner. That is why the LNP supports these particular amendments.

I note that there is a reference to section 14 of the Police Powers and Responsibilities Act which relates to the security of facilities. I also note that the bill will permit QPS civilian employees and contracted translators to monitor surveillance devices without the need for constant police supervision.

Whilst I have absolute faith in our police, I would like the minister to clarify that the safety of civilian police employees and contractors will always be utmost in considering whether it is necessary for a sworn police officer to be present during surveillance operations.

I mentioned earlier the tendency for criminals to become multinational in their approach. The internet is partly responsible for enabling that to happen. While this technology provides improved access to education and health care, there is always an undeniable dark side. It is often said that enforcing the law is a game of cat and mouse and, while it is not a game, it is an apt description. The criminals are the mice and our police are the cats, doing their absolute best to keep up and to outmanoeuvre the criminals. Included in their arsenal for tackling some of the most heinous and serious crimes is the option for our police to use an assumed identity.

Given the nature of the criminal element they are investigating or gathering information on, the dangers that apply to officers operating under an assumed identity are extremely high. Backstopping is possibly the best defence that an officer or other person using an assumed identity has. In these days of communication in the virtual world, a birth certificate or other paper document may be of little to no use.

While the explanatory notes mention the need to address potential financial risks, these amendments deal with something far more important than money. Effective backstopping can literally be the difference between life and death for persons using an assumed identity. I value the sacrifices that these officers make and acknowledge the dangers they face and, for those reasons, the LNP wholeheartedly support the strengthening of backstopping.

There is no doubt that a watertight, long-term history for an assumed identity is necessary to ensure minimal threat to the safety of the officer while also minimising potential financial losses should a police operation be compromised. It is for those same reasons that I will not be opposing the amendments to allow for the use of assumed identities for training purposes and also the amendments relating to the delegation of power for granting and administering assumed identities. As more complicated and technological methods are used by criminals to not only commit their crimes but also to attempt to conceal them, it is vitally important for our police to keep pace.

It is a well-known saying that justice must not only be done but it must be seen to be done. With that and ensuring a fair trial, open courts are a cornerstone of our legal system. The closing of a court, especially for the trial of an adult, is quite rare and, in order for our police to maintain any advantage they may have over criminals, it is absolutely vital that some methodologies are protected from being either deliberately or inadvertently revealed.

Again, it is necessary to refer to the dark side of technology. For many of us, our mobile phone is so much more than a phone. It is a diary, a way to access information and, in more recent times, a way to help tackle a pandemic. Unfortunately, there are those who use devices like phones and computers to both commission and attempt to conceal their crimes, and it is only with the use of confidential methods that these crimes can be prevented or prosecuted.

To ensure these methods continue to be of use in tackling crime, it is essential that they remain confidential. For that reason, I will be supporting the amendments to provide the necessary protections to do just that.

One of the key themes of this bill is the use of information, particularly for detecting and prosecuting crime. The proposed amendments to the Police Powers and Responsibilities Act relating to prisoners held in police custody is a way to ensure police can access information from a consenting prisoner to assist with the performance of the functions of law enforcement agencies. It is important to note that the provisions provided by these amendments will not be used frequently and that any assistance provided to police is provided with the clear consent of both the person providing the information and with the approval of a magistrate.

Furthermore, the person providing information must be an adult, may seek legal counsel and the application must be approved by an officer at the rank of detective superintendent or higher prior to application being made to the magistrate. I note that these particular amendments are due to the fact that prisoners are routinely being held at police watch houses pending their transfer. This bill will amend the PPRA to allow police to remove a sentenced or remanded prisoner from police custody to voluntarily provide information to assist police. That information can often be the difference between solving or not solving a serious crime.

Queensland Police Dog Squad officers and Corrective Services dog handlers have a special relationship with their four-legged partners that for most people is difficult to understand. These dogs are their partners. They are so much more than a pet. They are invaluable in helping our police and corrective services officers perform their duties. I have personally witnessed police dogs in action on numerous occasions and I can attest to the special bond that exists between a handler and a dog and the crucial work that these animals do. Similarly, our mounted unit have a special bond with their horses. As a horse owner, I can also attest to the role that our mounted police unit performs. Should our police and corrective services dogs and horses be protected? Absolutely they should!

Regardless of any particular skill set they are trained for, the arrival on scene of a police dog is widely welcomed by all police officers. It may not be so in the case of the offender, but I can assure honourable members that, as a former police officer, it was a pretty welcome sight when the dog handler turned up with their dog. Whether it is a general duties or a drug dog, the assistance provided by these police dogs is invaluable. Make no mistake: an attack on a police or corrective services dog or a police horse is an attack on a member of that service. No-one condones animal cruelty and no-one tolerates attacks on police or correctives services animals. Those on this side of the House welcome the introduction of a new indictable offence for wilfully and unlawfully killing or seriously injuring a police or corrective services dog or a police horse punishable by a maximum period of five years imprisonment.

As we have seen from time to time from this government, a large proportion of the amendments contained in this bill are reactive in nature. Changes to the monitoring of surveillance devices and ensuring access to technology are in response to changes in criminal behaviour. Changes to banning notices are directly in response to two tragic deaths, and it is not just this bill. Amendments to the Youth Justice Act were triggered by a tragedy. No-one in this place would object to legislation to address emerging trends in crime, but it is only right to question why reactive legislation quite often has taken so long under this government.

One such example is the amendments to allow Queensland to participate in the Enhanced National Intelligence Picture on Illicit Drugs program. The explanatory notes refer to benefits that participation in this program would provide, including assisting police to disrupt local drug crime and chemically profiling domestic samples to assist in identifying precursor source countries including routes of manufacture—and what a great opportunity that provides.

During my time in the Police Service I saw for myself the damage that is caused to our community by drugs, and I am sure I am not alone as a member of this House who is contacted on an almost daily basis about drugs affecting a family or a community. Yet Queensland has dragged the chain. We have a police minister who stood in this House talking about strong borders and the effect on crime. Yet here we have a national program that, according to notes tabled by the same minister, can assist with combatting the drug trade across borders.

One would think that if stopping crime at the border was really a priority, this police minister would be at the front of the queue. It has now been 11 years since the ENIPID program began and Queensland is the only Australian jurisdiction that does not participate. That is a failure of all governments since 2010, but the lion's share of that failure lies with this Labor government due to the fact that Labor has held power for eight of those 11 years. In fact, the current police minister has held that position since November 2016—over five years now. When it comes to tackling the scourge of drugs in our communities, he has effectively ignored the opportunity to make a difference for five long years.

Every single Queenslander finds crimes against our children abhorrent. That is why, even after they are released, the people who commit these offences can be subject to monitoring, and it is why the Police Powers and Responsibilities Act includes the power for police to inspect a digital device in the possession of a reportable offender convicted of a prescribed internet offence. What do these powers do in the real world? They ensure that these convicted offenders are included on the national child offender system. That means that these convicted offenders need to keep police informed of personal details such as their whereabouts and any reportable contact they may have with children. It is a safety net of sorts and according to the explanatory notes, it will assist the QPS to effectively manage those reportable offenders in the community.

One would think that protecting children from these types of offenders would be a top priority for a government, and so it should be. Why then has it taken until now for this government to act on a recommendation from the Ministerial Council for Police and Emergency Management and the Council of Attorneys-General made in June 2019? It has taken more than two years to implement a recommendation that back in June 2019 was described as something that should be done as soon as practicable. It is this government that says including additional offences in schedule 1 of the Child Protection (Offender Reporting and Offender Prohibition Order) Act will 'satisfy the position of the council'. No, Minister, these amendments will protect children. That should be his first priority, not satisfying a council of ministers and attorneys-general, yet it has taken two years to do exactly that. That inaction speaks volumes.

Speaking of protecting children, the LNP fully supports the addition of Commonwealth Criminal Code offences as disqualifying offences in relation to the Working with Children (Risk Management and Screening) Act. Naturally, the LNP also offers its full support to amendments ensuring more culturally appropriate wording when referring to Aboriginal and Torres Strait Islander peoples. There can be no greater pain for a family than the loss of a loved one at the hands of a murderer. Whilst our police do their utmost to assist, it is a sad fact that for some of those families closure may take years or even decades to achieve if it is ever achieved.

One thing that can assist with providing closure is the location of the victim's remains, allowing the family to mourn and to say their farewells in accordance with their wishes and on their own terms. Withholding the location of a body extends the suffering of victims' families, and all efforts should be made to attempt to minimise the grief that families experience in these circumstances. The concept of no-body no-parole is one that can assist the family and friends of victims of homicide, but we must be conscious of the fact that a person convicted of homicide has been proven to have planned to kill someone. Currently consideration of no-body no-parole is triggered by a relevant prisoner applying for parole. I note that the amendments strengthen the original intention of the no-body no-parole policy by incentivising prisoners to provide earlier cooperation in locating the remains of a homicide victim by allowing the board to consider the prisoner's cooperation and their subsequent decision on whether or not to make a no cooperation declaration in relation to the prisoner at any time after sentencing.

I mentioned earlier the pain felt by a family after the loss of a loved one at the hands of a murderer. This pain is amplified many times over when the victim is a child or the offender has murdered multiple people. I am talking about Daniel Morcombe, Sian Kingi and Tiahleigh Palmer. I know my colleagues will have more to say on these horrific murders in their contribution to this debate. Make no mistake: these offenders belong in jail and the families and friends of the deceased should not have to go through the pain of these monsters applying for parole on a regular basis. For that reason, the LNP supports this amendment that authorises the president of the board to declare that a restricted prisoner must not be considered for parole for a period of up to 10 years. I certainly hope that is the case in most of these instances.

I note that the new framework sets a higher threshold for the granting of exceptional circumstances parole for prisoners who are subject to a restricted prisoner declaration. This takes account of the seriousness of their crimes and the ongoing impact on victims' family and friends as well as the broader community. Of course, there should be a presumption against parole where a restricted prisoner declaration is not made. Community safety must be paramount. As members of parliament, we should be listening to our communities and making sure prisoners who are convicted of these types of crimes stay behind bars, where they belong.

This brings me to the final amendment, which is the one titled 'Supporting the Parole Board Queensland'. You can dress this up however you like and call it what you like, but the fact remains that we have a crisis within the parole system in Queensland which has necessitated this minister moving amendments to extend the parole consideration time frames under section 193(3) for a period of six months. The blowout in the time frames for the consideration of parole applications has had far-reaching consequences. In his contribution my colleague the member for Clayfield, the shadow Attorney-General, will expand on the impact that those delays are having on our court system and on state finances.

Suffice it to say, this government have taken their eye off the ball when it comes to ensuring parole applications are considered in a timely manner. The fact they have had to move this amendment is confirmation of the failings of the government in this space. The LNP has made it clear that we will support legislation that provides good outcomes for Queensland and for Queenslanders. There is no greater responsibility for a government than to keep Queenslanders safe. While we will support legislation that provides good outcomes, we will not hold back on ensuring that the government are aware that they are being scrutinised and that they are being held accountable, as they should be.

Queenslanders want to feel safe in their homes. Queenslanders want to see less crime and they want to see the people responsible for those crimes held to account. This bill contains amendments that are truly necessary to address crime, and they are well overdue. While this bill is not the answer to reducing crime, it does address issues which are raised by our judiciary, police, corrective services officers and the broader community. It supports our police and corrective services officers, giving them the direction and additional tools that they need to do their jobs more effectively. Make no mistake: the scrutiny of this government and the bills they introduce will continue. However, the very least that we can do as members of parliament is to ensure we give our emergency services the tools and resources they need to keep our community safe. For that reason, I will not be opposing this bill and I urge other members to do likewise.