



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

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Record of Proceedings, 15 September 2021

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

### **Introduction**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (8.53 pm): I present a bill for an act to amend the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Corrective Services Act 2006, the Corrective Services and Other Legislation Amendment Act 2020, the Corrective Services (COVID-19 Emergency Response) Regulation 2020, the Police Powers and Responsibilities Act 2000, the Police Powers and Responsibilities Regulation 2012, the Police Service Administration Act 1990, the Terrorism (Preventative Detention) Act 2005 and the Working with Children (Risk Management and Screening) Act 2000 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Safety Committee to consider the bill.

*Tabled paper:* Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 [\[1404\]](#).

*Tabled paper:* Police Powers and Responsibilities and Other Legislation Amendment Bill 2021, explanatory notes [\[1405\]](#).

*Tabled paper:* Police Powers and Responsibilities and Other Legislation Amendment Bill 2021, statement of compatibility with human rights [\[1406\]](#).

I am pleased to introduce the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. This bill is all about keeping Queenslanders safe. This bill introduces the strongest laws in the nation when it comes to keeping the worst of the worst behind bars.

This bill honours our promise to shield victim's families from unnecessary trauma. This bill will mean that those who take the life of a child or who commit multiple murders and are serving a life sentence can be banned from even applying for parole for a period of up to 10 years. No other jurisdiction in Australia has those laws, but we will. Queensland will. Because the Palaszczuk Labor government has always acted to protect the innocent and condemn the perpetrators of the worst crimes, we will have these laws.

The bill has a number of key elements. They include, among others, limiting the retraumatisation of victims' families and friends by introducing a new framework for parole decisions about life sentenced prisoners who have committed multiple murders or who have murdered a child; reducing knife crime by expanding the police banning notice regime to apply to an adult who unlawfully possesses a knife in a relevant public place; strengthening the no-body no-parole framework to incentivise earlier prisoner cooperation to locate a homicide victim's remains; and creating a new indictable offence where a person wilfully and unlawfully kills or seriously injures a police dog or horse or a corrective services dog, reflecting the seriousness of the offence in line with community expectations.

This is a comprehensive amendment bill. The bill will expand the existing police banning notice regime in the Police Powers and Responsibilities Act so that it also applies to an adult who unlawfully possesses a knife in a relevant public place. For this purpose a relevant public place means a licensed premises; a public place in a safe night precinct; or a public event where alcohol is sold.

The amended law will mean that, in addition to any court proceedings police may commence against a person who unlawfully possesses a knife in a relevant public place, police can also issue a banning notice to the person. The banning notice will exclude that person for no more than one month from the area. This proposal is aimed at reducing the opportunity for people to make poor choices with a knife in high-risk areas and builds upon the government's knife-detecting trial in the Gold Coast's safe night precincts and the Queensland Police Service's 'I live my life without a knife' campaign.

The bill will also create two new indictable offences, punishable by up to a maximum of five years imprisonment, for a person who wilfully and unlawfully seriously injures or kills a police dog or horse or a corrective services dog. The Police Service Administration Act already has a simple offence to injure or kill a police dog or horse. The reason for the new indictable offences is that the simple offence is, quite frankly, inadequate to appropriately deal with the criminality of some serious offending. Sadly, this was the case in February last year when police dog Kaos was stabbed by two offenders after they fled from a stolen motor vehicle. These faithful servants deserve the best protection we can offer. I also acknowledge the advocacy of the Queensland Police Union, including General President Ian Leavers, on this particular point, to ensure that this offence was appropriately punished by Queensland law.

This bill also provides further protections for our children in the community. The bill will include nine Commonwealth child sexual abuse offences as reportable offences in Queensland under schedule 1 of the Child Protection (Offender Reporting and Offender Prohibition Order) Act.

The Commonwealth Criminal Code offences are: grooming a person for the purpose of making it easier to engage in sexual activity with a child outside Australia; three offences relating to using a postal or similar service to groom another person to make it easier to procure persons under 16 years of age; conduct for the purposes of electronic service used for child abuse material; using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16 years of age; and three offences of using a carriage service to groom another person to make it easier to procure persons under 16 years of age. Including these additional offences will enable those convicted and sentenced to a period of imprisonment or a supervision order for these offences to be placed on the National Child Offender System.

Secondly, building on these amendments, the bill will also amend the Working with Children (Risk Management and Screening) Act to include those Commonwealth Criminal Code child sex offences as disqualifying offences. This will ensure that if a person has been convicted of one of these offences they cannot hold or apply for a blue card and therefore cannot engage in child related work. Other Commonwealth Criminal Code offences are also being added to the disqualifying and serious offence list.

Thirdly, five of these Commonwealth child sex offences will also be included as prescribed internet offences in section 21B of the Police Powers and Responsibilities Act. This means that, should a reportable sex offender be convicted of any of these additional prescribed internet offences, police will have the power to inspect the reportable offender's digital device, such as a smartphone or computer, to ensure they do not possess inappropriate material.

I will now turn to amendments included in the bill to the Corrective Services Act. On 17 June this year the Palaszczuk government announced its intention to introduce the toughest laws in Australia around parole for prisoners serving a life sentence for the murder of a child or for multiple murders. At the centre of these reforms is our commitment to limit the retraumatisation that the parole process can have on the families of victims. The bill does this and more. Amendments to the Corrective Services Act in the bill will introduce a new parole process that will apply to prisoners who have committed some of the most heinous crimes in Queensland: multiple murderers, child murderers and those who have not cooperated in locating the body or remains of a homicide victim.

As such, the bill introduces a new parole framework for prisoners sentenced to life imprisonment for murdering a child or for murdering more than one person. These prisoners will be defined in the Corrective Services Act as restricted prisoners. Understandably, whenever a prisoner applies for parole this can retraumatise the families and friends of the victim and even the wider community. The bill creates a new discretion for the president of the independent Parole Board to declare that a restricted prisoner cannot be considered for parole for a period of up to 10 years. This is referred to in the bill as a restricted prisoner declaration. If a restricted prisoner declaration is in place, the prisoner is restricted from applying for parole—other than for exceptional circumstances parole—for the duration of the declaration.

The bill also creates a higher threshold for exceptional circumstances parole to ensure that during a declaration period the prisoner's release to parole is limited to situations where they are dying or otherwise incapacitated and do not pose a risk of harm to anyone in the community. This is important too because there is no limit on the number of declarations that can be made by the president of the

Parole Board. A new declaration can be made upon a previous declaration expiring, and so on and so on. If the president of the Parole Board decides not to make a restricted prisoner declaration, the bill also ensures decisions to release a prisoner in this cohort to parole are held to the highest standard by creating a new presumption against parole. This additional feature of the framework further ensures the protection of the community.

This new framework will apply to any prisoner who falls within the definition of restricted prisoner, including those who are already serving their sentence. The new processes will also apply to any parole application on foot at the time of commencement or to prisoners already on parole who are returned to custody and have their parole cancelled. The bill will also extend the time the board may decide not to consider a further application for parole for any life sentence prisoner to three years from the current maximum of 12 months. This amendment will reduce the retraumatisation of victims resulting from notifications that a life sentence prisoner is reapplying for parole where there has been no meaningful change in their circumstances. This provision applies to all life sentence prisoners and is not limited to life sentence prisoners who fall into the restricted prisoner cohort. It protects a broader range of victims from the stress and trauma of speculation about a prisoner being released into the community on parole. Protecting victims is at the heart of this framework.

I will now turn to the amendments to strengthen the no-body no-parole framework. The no-body no-parole framework refers to the principle that a prisoner convicted of a homicide offence who refuses to adequately assist police in locating the victim or victim's remains should not be granted the privilege of parole. As such, a primary focus of the no-body no-parole framework is to encourage timely cooperation from these prisoners by denying parole release until such time as the Parole Board Queensland is satisfied the prisoner has satisfactorily cooperated in identifying the location or last known location of the victim's remains. In September last year the government made a commitment to the Queensland Homicide Victims' Support Group to update the ministerial guidelines to the Parole Board Queensland to state that timeliness must be a significant consideration for no-body no-parole decisions, and this is happening.

The bill includes a new discretion for the board to trigger consideration of a prisoner's cooperation in locating a victim's remains at any time after sentencing instead of waiting for when the prisoner makes a parole application. This aims to incentivise prisoners to cooperate with police earlier in the hope that the earlier provision of information will assist families to locate their loved one's remains. Where a no-body no-parole prisoner has not cooperated satisfactorily, the prisoner will be subject to a no-cooperation declaration that will restrict the prisoner from reapplying for parole until they choose to cooperate in locating the victim's remains. We will always put victims' families first.

This bill also provides for a temporary extension to the legislative time frames for parole decisions to be made. For a six-month period the independent Parole Board Queensland will have an extra 60 days to decide parole matters. These amendments will provide the board with greater flexibility to manage its responsibilities and the risks that different prisoners pose to the community. This builds on our further investment in the Parole Board by continuing the operation of the fourth temporary operating team and establishing a fifth temporary operating team.

This bill includes a comprehensive suite of important amendments that aims to ensure the safety of victims and the broader community. I commend the bill to the House. I encourage all members to support it.

### **First Reading**

**Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (9.08 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to Legal Affairs and Safety Committee**

**Mr DEPUTY SPEAKER** (Mr Hart): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.