




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 16 September 2021

**POLICE LEGISLATION (EFFICIENCIES AND EFFECTIVENESS) AMENDMENT
BILL**

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.47 am): I present a bill for an act to amend the Oaths Act 1867, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016 and the Weapons Act 1990, and to make a regulation under the Oaths Act 1867, 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 Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 [1409](#).

Tabled paper: Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021, explanatory notes [1410](#).

Tabled paper: Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021, statement of compatibility with human rights [1411](#).

I am pleased to introduce the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 to the House. The Queensland Police Service continues to do more and more every day to keep the community safe. The government is supporting those efforts with record police budgets and the biggest investment in policing in three decades—an investment that will deliver more than 2,000 extra personnel. The record funding that this government has provided to the Queensland Police Service is helping our frontline officers to: respond to the growth in calls for service; manage increasingly complex social issues; lead disaster management responses; meet community expectations; and play an integral role in responding to the COVID-19 public health emergency.

I am very proud of the record funding this government has been able to deliver to the Queensland Police Service, but we can also streamline processes to deliver even more efficient and effective police services. That is what this bill does. The bill seeks to optimise existing systems and processes to free up frontline resources. For example, thousands of hours of time are taken up by officers having to locate and attend before a justice of the peace or a commissioner for declarations to swear an oath of service or declare or affirm the veracity of information contained in a document.

The bill, in conjunction with the Justice Legislation (Covid-19 Emergency Response—Permanency) Amendment Bill 2021, amends the Oaths Act and creates the Oaths Regulation. This will achieve significant time savings for frontline police officers by enabling senior police officers to witness affidavits of other police officers in relation to: affidavits to prove the service of documents; affidavits used in bail proceedings under the Bail Act and the Youth Justice Act; and sworn applications made in compliance with section 801 of the Police Powers and Responsibilities Act where an issuing authority had granted the authority on an unsworn application due to urgent circumstances or an officer's remote location.

Police are required to serve a large number of documents as part of various court processes. Enabling senior police officers to witness the affidavit removes the necessity for police officers to locate and attend before a justice of the peace or a commissioner for declarations to swear an oath of service will lead to significant time savings for police officers. For example, it has been estimated that in major centres it can take between 30 minutes to two hours to locate an available justice of the peace or a commissioner for declarations and have an objection to bail witnessed.

In remote localities the time frames can expand out to the officer's entire shift. This amendment alone has the potential to save up to approximately 22,000 hours of frontline officer time annually. Those hours can be returned to the front line to better protect our community and keep our community safe. This is just one of a number of efficiencies contained within the bill.

Another significant reform being introduced by this bill is the expansion of the circumstances where a magistrate or Supreme Court judge may issue a digital access order, which requires a person to provide a password or encryption code to enable police to access information stored on, or accessible from, a digital device such as a mobile phone. This would apply, for example, to circumstances involving upskirting and revenge porn, and builds on changes to the Criminal Code introduced by the Palaszczuk government in 2018 that made revenge porn a criminal offence in Queensland.

Under the proposed amendments, police will now be able to seek digital access orders in circumstances where they suspect offences against the Criminal Code including: distributing intimate images; observations or recordings in breach of privacy; and distributing prohibited visual recordings. For example, if police locate a person using a mobile phone to take unauthorised pictures of another person in a communal change room and lawfully seize the mobile phone at that location, they will be able to apply for a digital access order to gather evidence of the offending behaviour. The bill will amend section 154A of the Police Powers and Responsibilities Act to enable a police officer to apply to a magistrate or Supreme Court judge for an access order where the digital device was lawfully seized under a provision of the Police Powers and Responsibilities Act, including instances where the search warrant was issued by a justice of the peace.

The bill amends part 5A of the Police Service Administration Act in relation to alcohol and targeted substance testing of police officers and certain unsworn staff members. Part 5A provides for both alcohol and drug testing of relevant persons who perform functions associated with, or ancillary to, the functions of the Police Service. Relevant persons who are involved in a 'critical incident' may be required to submit to alcohol and targeted substance testing. A 'critical incident' includes: an incident where it was necessary for an officer on duty to discharge a firearm in circumstances that caused or could have caused injury to a person; a death of a person in custody; after a vehicle pursuit; or following a workplace incident at a police station or police establishment where a person dies or is admitted to hospital for treatment of injuries.

In 2009, the definition of a 'reportable death' in section 8 of the Coroners Act was expanded to include a death in the course of, or as a result of, police operations—for example, the death of a third-party bystander killed in the course of an attempt by police to detain a suspect. The revised definition ensured an appropriate level of scrutiny to assist in identifying any systemic issues. The Queensland Police Service identified that the current definition of 'critical incident' did not fully capture incidents that fell within the definition of a 'reportable death'. The Queensland Police Service also established that the definition of 'critical incident' was too limiting when the need for oversight of an officer's actions is legally required and/or necessary to ensure public confidence in the police service.

The bill amends the definition of 'critical incident' in section 5A.2 'Definitions for pt 5A' of the Police Service Administration Act to include: deaths occurring in the course of, or as a result of, police operations, to align with the definition of reportable death in the Coroners Act; incidents where a person suffers from injuries consistent with the Criminal Code definition of 'grievous bodily harm' while in police custody or in the course of, or as a result of, police operations; and the accidental discharge of a firearm in circumstances that caused, or could have caused, injury to a person. It is important to note that the bill also amends the existing definition of a critical incident to specifically exclude the use of less than lethal rounds.

The bill also amends the Police Service Administration Act to clarify that special constables and non-state police officers are able to exercise the powers of a Queensland police officer, subject to the limitations imposed by the Police Commissioner. Special constables are primarily interstate police officers who, because of their work location or the type of work they are involved in, require authorisation to enable them to carry out their duties effectively within Queensland. The existing provision is ambiguous as to the scope of powers that can be exercised by special constables. The bill amends the

Police Service Administration Act to enable the commissioner to allow non-state police officers to exercise powers held by Queensland police officers that are not within the Police Powers and Responsibilities Act and the Public Safety Preservation Act.

The bill will also amend sections 35 and 36 of the Weapons Act to enable the temporary storage of a firearm by a licence holder on behalf of another for up to three months. This commonly occurs when a person's weapons licence expires, is suspended due to court or serious health matters, or during the administration of deceased estates. The three-month temporary possession limit is often insufficient, especially during the administration of deceased estates. The bill extends the period under these sections to six months. This extension overcomes the need to unnecessarily reinstitute administrative processes.

The bill amends the Weapons Act to streamline the operation of the permanent national firearms amnesty. The government has listened closely to police officers and to representatives of licensed firearms dealers across the state who took the view that the current arrangements for dealing with firearms anonymously surrendered to participating dealers are more administratively onerous than they need to be.

The current firearms amnesty framework in Queensland does not allow participating firearms dealers to retain firearms or other prescribed things that have been surrendered to them anonymously. As a result, participating firearms dealers must transport any anonymously surrendered firearms to a police station. This approach creates unnecessary risks due to the additional transportation of firearms and the need to store increased numbers of firearms at police stations. In addition, this approach imposes unnecessary operational burdens on local police stations, many of which are in regional and remote communities with smaller staffing establishments.

The amendments contained in this bill will allow licensed firearms dealers to retain firearms surrendered to them anonymously under the amnesty in circumstances where approval is provided to them by an authorised officer in weapons licensing.

The government is resolute in its determination to create an operating environment that allows our dedicated frontline police officers to go about their important job of keeping the Queensland community safe as efficiently and effectively as possible. The Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 delivers on that commitment. I commend the bill to the House and 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) (11.59 am): 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 Kelly): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.