




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

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POLICE LEGISLATION (EFFICIENCIES AND EFFECTIVENESS) AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (5.47 pm): I rise to make a contribution to the debate on the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021. Before I start I would like to acknowledge the contribution made by the member for Cooper. The experience she had when she was younger I do not think you would wish upon anybody. It would have a lasting impact on anybody. The advocacy work that she has done since I think is respected and admired by all of us in this place regardless of political affiliations.

This bill proposes a number of amendments to streamline various legal procedures. The first of these that I wish to speak to is the amendments relating to the Oaths Act 1867 and the creation of the Oaths Regulation 2021. The explanatory notes state that thousands of hours of police officers' time is consumed 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 the document. This amendment would allow senior police officers to witness affidavits made by other police officers.

This amendment has been facilitated by the passing of the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill, which has amended the Oaths Act. This will restrict the witnessing function of police officers to a senior police officer who is: an officer in charge of a station or establishment or watch house or a police officer nominated to be in charge of a police station or establishment or watch house in the absence of the officer in charge; or a watch house manager, a police officer of or above the rank of sergeant. This legislation will prescribe senior police officers as persons who can witness the affidavit of another police officer in particular circumstances and enable the witnessing of prescribed affidavits on a physical document or in the form of an electronic document, including the use of electronic signatures by audiovisual link.

Affidavits used in bail proceedings are completed by arresting officers to inform the court of information relevant to determining whether a person should be bailed or remanded in custody. The explanatory notes state that the analysis of 6,321 bail affidavits revealed that the time taken to locate and attend a JP range from 30 minutes to two hours—with an average of 60 minutes—to have a document sworn and signed. The impact for policing in remote localities is often more significant. On some occasions, an officer's entire shift is spent driving to a regional centre to have the objection to bail documents witnessed. The QPS stated at the public hearing—

To give the committee some idea of the scope of this work, I can tell you that in the calendar year 2009 some 10,982 bail affidavits were completed by Queensland police. By enabling senior police officers, which will include a watch house manager, to witness bail affidavits, as this bill proposes, we have calculated has the potential to save almost 22,000 hours of police time annually.

In this regard, the bill proposes to amend section 801 of the Police Powers and Responsibilities Act, which would enable the issuing authority to send a copy of the prescribed authority to a police officer or law enforcement officer via email and other forms of electronic communication.

This legislation also amends access orders for seized digital devices. Under the PPRA the police have various powers in relation to the power to examine seized things; however, the Queensland Police Service stated that 'technology has enabled new methods of offending', including that 'enhancements in encryption and electronic storage of information have made it easier to conceal and prevent access to evidence'. However, the current digital access order scheme does not permit a magistrate or Supreme Court judge to make an order where a digital device is seized under a search warrant issued by a JP or otherwise lawfully seized under the PPRA. Furthermore, if a magistrate or Supreme Court judge makes an order in a search warrant, but for reasons beyond police control the digital device is seized under a provision of the PPRA and not the search warrant, police cannot apply for a further access order. The explanatory notes state—

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 cannot apply for a digital access order.

Other examples include instances where police intercept a person in relation to a matter and subsequently discover drugs, firearms and multiple mobile phones. Although the digital devices were lawfully seized, they were not seized under a search warrant issued by a magistrate or Supreme Court judge and an access order cannot be sought. The police already have the power to seize, examine and search a digital device, but these amendments to the bill extend this to include the power for a magistrate or a Supreme Court judge to make an order where a digital device is seized under the search warrant issued by a JP or otherwise lawfully seized under the PPRA. The bill only permits the making of access orders where a magistrate or a Supreme Court judge is satisfied there are reasonable grounds for suspecting there is evidence on the digital device of a crime scene threshold offence or an offence against the Criminal Code.

In relation to protecting the confidentiality of information that may be accessed on the device, the committee notes the Queensland Police Service's advice that the Police Service Administration Act creates an offence for the improper disclosure of information which has come to the officer's knowledge through their employment in the QPS.

I will now go to the amendments to the Weapons Act, which amend clauses 32 and 33 to extend temporary possession from three months to six months to provide the unlicensed owner with an appropriate time to address the reason for temporary storage, such as when a person's weapons licence expires, is suspended due to court or serious health matters, or during the administration of deceased estates. The bill proposes to do this by amending section 35 and section 36 of the Weapons Act to extend the time frames under which appropriately licensed persons can temporarily hold a licence on behalf of other weapons licensees from three months to six months.

As the member for Burdekin stated, this is something that regional members often have coming through their offices. I have lost count of the number of these cases we have. Sometimes it is just a simple renewal of a licence where the circumstances of the licence holder have not changed and their occupation has not changed, but for some reason they are asked to go through a long process which literally can take months. Anything we can do to speed that up will be supported. My fear is that, as has already been stated by the member for Currumbin, this is being used to cover for a shortfall of resources and funding in the licensing section of the Police Service. This is not going to the root problem. It will help to meet time lines but it is not going to the root cause of these delays, so I would encourage the minister to put some more resources into that department.

We will be supporting all of this bill. If there is anything that can get police officers away from their desks, get them out on active service on the streets on patrol, we will support it. They spend a lot of time going through unnecessary paperwork. I had a chuckle when I read the title of the bill, 'efficiencies and effectiveness', because we have not seen a lot of that out of this government, and anything they can do to streamline the bureaucracy and paperwork that is keeping police officers tied to their desks we will support. We support this legislation.