




Speech By
Peter Russo
MEMBER FOR TOOHEY

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POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (3.32 pm): I rise to speak in support of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021. The policy objectives of the bill are as follows to: reduce knife crime by expanding the police banning notice regime to apply to a person, namely an adult, who unlawfully possesses a knife in a relevant public space; limit retraumatisation of victims' families and friends by introducing a new framework for parole decisions about a life sentence prisoner who has committed multiple murders or who has murdered a child; strengthen the no-body no-parole framework to incentivise early prisoner cooperation to locate a homicide victim's remains; provide the Parole Board Queensland with greater flexibility to respond to the increased workload and the risks different prisoners pose to community safety; create administrative and operational efficiencies for the Queensland Police Service, enhance intelligence gathering regarding dangerous drugs and ensure Commonwealth child sex abuse offences are updated in Queensland legislation; and create indictable offences for wilfully and unlawfully killing or seriously injuring a Queensland Corrective Services dog or Queensland Police Service dog or horse, reflecting the seriousness of the offences in line with community expectations.

The Police Powers and Responsibilities and Other Legislation Amendment Bill was introduced into the Legislative Assembly and referred to the Legal Affairs and Safety Committee on 15 September 2021. The committee's report No. 15, which was tabled in the Assembly on 1 November, has recommended to the Assembly that the bill be passed. The bill is a comprehensive amendment bill and proposes several legislative amendments that are designed to keep Queenslanders safe. The Legal Affairs and Safety Committee examined the bill and heard from stakeholders during the inquiry.

I will now deal with the new parole framework. The bill introduces a new framework for parole decisions about restricted prisoners. The prisoners captured under the amendments in this bill have committed some of the most heinous crimes in Queensland. These prisoners are those who are serving life sentences for multiple murders or for the murder of a child and those who have not cooperated in locating the body or remains of a homicide victim. These amendments are about changing the overall policy for no-body no-parole, but they do strengthen the policy by incentivising prisoners to cooperate earlier. Where a restricted prisoner's declaration is not made, the bill introduces an additional barrier to parole by creating a presumption against parole. This provides that the board must refuse to grant a prisoner's parole application unless it is satisfied that the prisoner does not pose an unacceptable risk to the public.

The government is ensuring that the public interest is the primary consideration when deciding whether to make a restricted prisoner declaration. The government acknowledges the harm, grief and trauma that is caused by these prisoners. This is why we continue to implement robust legislation that is tough on crime and equal to the harm those prisoners have caused. The government is providing the opportunity for victims themselves, if they want to be involved—I will restate that as I know it is important:

if they want to be involved—to determine the way they are involved in this new process. However, they will not be compelled. Instead, a discretionary process will be adopted through the victims register to allow eligible persons to decide the level of engagement they want with the restricted prisoner process.

It is intended that these amendments provide a higher level of scrutiny of those prisoners who commit those more heinous crimes prior to their release from custody. The strengthening of the no-body no-parole framework will introduce a discretion for the board to consider a prisoner's cooperation at any time after sentencing, instead of requiring this consideration to wait until the prisoner applies for parole. The board will be required to make no-cooperation declarations about a prisoner where the board determines the prisoner has not cooperated satisfactorily and restrict the prisoners subject to a no-cooperation declaration from applying for parole. The Legal Affairs and Safety Committee noted that the declaration of a prisoner as a restricted prisoner could be made by the court rather than by the president of the Parole Board.

Transparency in the parole decision-making process ensures members of the community can remain confident in the legitimacy of parole decisions and clearly understand the factors the Parole Board considers when releasing prisoners to parole. The Legal Affairs and Safety Committee inquiry showed there was support for the publication of written decisions to increase transparency and public accountability of the board's decisions; however, submitters to the inquiry considered that decisions to publicise parole determinations should not be made lightly and should not be subject to an automatic rule. Several submitters raised concerns in relation to the need to protect personal information. The committee also received a confidential submission providing examples of the impacts of publication of confidential information not only on the prisoner but also on those connected to the prisoner.

Publication of certain parole decisions is an approach taken in some other Australian jurisdictions, including both Tasmania and Western Australia, which publish parole decisions as determined by their relevant governing policies. In introducing the power to require publication of certain parole decisions as prescribed by regulation, similar to the approach taken in those other jurisdictions, the information the board publishes should be clear, informative and succinct.

In relation to knife crime, the amendments to the legislation expand the scope of banning notices to include persons who unlawfully possess a knife. This will be an addition to what constitutes disorderly, offensive, threatening or violent behaviour and will make possessing a knife in a public place or school a contravention of section 51 of the Weapons Act. There were several submitters who raised concerns in relation to these provisions. They argued that the administration of police banning notices can have unintended and undue consequences. The Queensland Police Service advised that the intent of police in issuing banning notices is to provide immediate protection to members of the community enjoying a safe night out by curbing and deterring alcohol and drug related violence in liquor precincts and, in relation to possessing a knife, the police advised that section 51 of the Weapons Act allows for a reasonable excuse for possession, including to prepare or cut food or for normal utility purposes.

The bill further addresses inefficiencies identified by the Queensland Police Service where it has determined the requirement for constant police supervision of civilian monitors and contracted translators. There is sufficient rigour already in place around who can be authorised to carry out these duties. Addressing this requirement for significant direct police officer supervision will be time saved and will enable frontline police officers to be redeployed to increase Queensland Police Service policing capacity.

The bill also introduces child sexual abuse prescribed internet offences. This is to ensure that police can use existing digital device inspection powers for those particular Commonwealth sexual offences to disrupt recidivist child sex offending cycles and effectively manage reportable offenders in the community. In addition, the amendments support the national agreements which called upon states and territories to progress legislative amendments to expand their registration and supervision schemes to apply to Commonwealth child sex offenders. The Legal Affairs and Safety Committee acknowledges the seriousness of these offences. I commend the bill to the House.