




Speech By
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MEMBER FOR CALOUNDRA

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

 **Mr HUNT** (Caloundra—ALP) (11.18 am): Today I rise to speak on the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021. As is always the case, I would first and foremost like to thank the secretariat for their usual tireless output. I have come to learn that the Legal Affairs and Safety Committee is a very busy committee and the support afforded by the secretariat is quite exemplary. Naturally I acknowledge the contributions of my fellow committee members, the members for Toohey, Cooper, Noosa, Glass House and Currumbin. I acknowledge that, by and large, we are a fairly collegiate bunch.

In September last year stakeholders were invited to make submissions, and seven in total were received. Throughout COVID-19 it has become even more apparent that the QPS has played a vital role in protecting the community, not just in its usual capacity but against the worst ravages of the pandemic. They are always and will always be critical to our response. As Queensland opens up, the QPS will be pivotal yet again.

It is true that the title of this bill will not set the heart racing at first glance, but this belies its very critical importance. The seemingly innocuous amendment around the Oaths Act 1867 will, according to the explanatory notes, have a potentially huge and positive effect. The explanatory notes detail that this change will potentially save anywhere between 5,000 and 20,000 hours of QPS officers' time per year. This saving of hours is significant in any setting, but in regional areas with smaller stations and a smaller complement of staff this single change will be the difference between an officer spending time in the community or spending time in clerical work. Think on that for a moment—thousands of hours that can be redirected into traditional community policing. That single amendment makes this bill alone worthwhile.

Further, the changes proposed in this bill will enable a senior police officer to witness prescribed affidavits electronically in addition to a physical document where the officer is physically present. It will also enable a senior officer to witness the prescribed document via an audiovisual link. However, when it comes to bail affidavits, witnessing via audiovisual link will be restricted to circumstances in which it is not reasonably practicable for the senior officer to witness the affidavit in person. The senior level of the police officer further reinforces the importance of ensuring the contents of the affidavit are truthful, lawful and accurate and that the oath or affirmation is properly administered when witnessing the signing of the affidavit. Further protections include the offences of perjury, falsely verified statements and false declarations in the Criminal Code which would apply to a police officer who lied in an affidavit witnessed by a senior police officer in the same way as if the affidavit were witnessed by a JP.

Further, under the PPRA, police have powers in relation to the examination of a seized thing. However, as stated by the QPS, technology has enabled new methods of offending, including enhancements in encryption and electronic storage of information, that have made it easier to conceal and prevent access to evidence. To this end, the bill proposes amendments to section 154A of the PPRA 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 the provision of the PPRA, including under a search warrant issued by a JP; and to enable a magistrate or a Supreme Court judge to make an access order where they are satisfied that there are reasonable grounds for suspecting that device information from the digital device may be evidence of a crime scene threshold of an offence against Criminal Code sections 223, distributing intimate image; 227A, observation or recording in breach of privacy; and 227B, distributing prohibited visual recordings.

At this point it is worth noting the comments provided by the QPS in relation to these changes when they say—

Any potential for self-incrimination is minimised and is justified in order to ensure that police can effectively investigate offenders who are increasingly using encryption, passwords and remote storage to avoid detection ...

The proposed legislation will enable us to put the evidence before the court. We still have to lawfully seize it, whether it is under the PPRA or under a JP's warrant. The level for us to get it is far higher than if we went to the magistrate or the judge in the first place, because it has to be that crime scene threshold offence rather than an offence. It is still getting judicially considered. It is at a higher level which I think increases the safeguards around it. There is still that judicial overseeing of it. Then once we do have it, we have a range of protections and safeguards in place to protect the confidentiality of the information.

If a police officer saw an inappropriate photo on a phone and released it, they have then committed an offence for either unlawful disclosure, misconduct, or even computer hacking around unlawfully accessing the seized device where they could face imprisonment. Misconduct can also come into a whole range of things.

It is a higher threshold ... but we would have protections around as it would if we seized the device under the magistrate's warrant to protect the privacy of that information anyway.

The committee notes that the amendments will allow for the effective investigation of serious criminal offences—namely, that the police already have the power to seize, examine and search a digital device—but that the bill will 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 a search warrant issued by a JP or otherwise lawfully seized under the PPRA. The bill only permits the making of an access order where a magistrate or a Supreme Court judge is satisfied that there are reasonable grounds for suspecting that there is evidence on the digital device of a crime scene threshold or an offence against sections 223, 227A and 227B of the Criminal Code.

In response to the Weapons Act 1990, the committee notes it is satisfied with the QPS's response that the bill's provisions to allow a licensed firearm dealer to retain and deal with an anonymously surrendered firearm or prescribed thing would support the firearm's amnesty by reducing the unnecessary risks and business impacts associated with transporting such an item to a police station. The committee notes a stakeholder suggestion to introduce a blanket approval for firearms dealers to accept amnesty firearms rather than relying on individual authorities from the QPS's Weapons Licensing unit. However, the committee supports the QPS view that individual authorities from weapons licensing is the best approach to ensure the provenance of firearms continues to be established for surrendered firearms, which can only be done by Weapons Licensing as they have access to the restricted information and to information across jurisdictions.

The committee notes stakeholders' comments regarding category R weapons. Firearms dealers may not accept these weapons under the amnesty as they must transport them to a police station rather than have the ability to retain and deal with them. However, the bill does not change the existing legislation that allows dealers to accept category R weapons and firearms and then arrange for them to be delivered to a police station. The committee notes that following provenance checks a licensed armourer can collect a surrendered category R item from police in order to make the item inoperable or for another lawful purpose.

As I said, the bill at first glance is not exactly the stuff of legend, but it is a very significant body of work for getting police back into the community. These efficiency measures build on the efforts of the government to back frontline workers, including our police, and including, might I add, a highlight during this term—the proposed construction of a police station in Caloundra South, a commitment I was delighted to give while standing with the minister in Aura during the 2020 campaign.

We are supporting our police through a record police budget and a significant infrastructure pipeline and the biggest investment in policing personnel in three decades—2,025 additional police over five years. This is an incredible investment that will, like this bill, see more police out in the front line keeping Queenslanders safe. On that note, I commend the bill to the House.