




Speech By
Lance McCallum

MEMBER FOR BUNDAMBA

Record of Proceedings, 15 March 2022

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

 **Mr McCALLUM** (Bundamba—ALP) (11.37 am): I rise in support of the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021 which supports the Palaszczuk government's unite and recover objective to deliver world-class frontline services in community safety. The demands placed upon our Queensland Police Service are ever increasing. Across the state there continues to be an increase in the number of calls for service, increasingly complex social issues, growing community expectations and ever-increasing disaster management support. I have seen this firsthand across our local community of Bundamba during the recent extreme weather event and I take this opportunity to publicly thank QPS officers—along with all of our emergency service workers, volunteers, rural fires and SES who did an amazing job in my local community and right throughout South-East Queensland—for their ongoing response to flooding in areas like Goodna and Bundamba.

These events place significant pressure on our resources. That is part of the reason we have delivered record police personnel since 2015. We are building on that with the biggest investment in community safety in over 30 years that includes 2,025 extra police personnel and 1,450 sworn officers, including over 150 in our local community of Ipswich.

We are also investing in the digital transfer of frontline services, supporting an efficient and effective approach to community safety. This involves modernising practices and service delivery and enhancing the use of modern technology. We recently launched a new mobile interface to enable our frontline officers to respond to domestic and family violence incidents with easily accessible information that they need to respond effectively to those situations.

We are also providing our frontline police with next generation integrated load-bearing vests to improve the safety of their operational uniform. Just last month we announced two new Polair helicopters to keep our communities safe, along with a 10-year investment in operations. Today we are further improving the delivery of policing services, reducing administrative processes and streamlining police operations which will increase productivity and improve the detection, prevention and disruption of crime.

I turn now to the section of the bill that authorises senior police officers to witness affidavits. Thousands of hours of police officers' time are consumed by having to locate and attend before a justice of the peace or a commissioner for declarations—I take this opportunity to acknowledge the tremendous contribution of our JPs and commissioners for declarations, who provide an excellent community service; I truly thank those volunteers—to swear an oath of service or declare or affirm the veracity of information contained in a document. Significant timesaving for frontline police officers can be achieved by authorising senior police officers to witness affidavits made by other police officers in relation to proving the service of documents, bail proceedings under the Bail Act and sworn applications made in compliance with particular provisions of the Police Powers and Responsibilities Act.

This bill, as a result of the comments provided by stakeholders—and I thank them for their feedback and engagement—was amended to restrict the level of police officer who can take an affidavit for prescribed documents to that of a senior police officer. A senior police officer is defined as an officer in charge of a station, establishment or watch house—or the officer nominated to be in charge—a watch house manager or a police officer of or above the rank of sergeant.

In addition to that, QPS policy will specify the obligations on senior police who are able to witness affidavits and will ensure there is no conflict of interest by restricting a senior police officer who was involved in the investigation or a witness to the events set out in the affidavit from witnessing the affidavit. They are excellent safeguards. The measures in the bill will enable the witnessing of affidavits on a physical document; in the form of an electronic document, including using the use of electronic signatures; and by audiovisual link.

I turn now to the provisions that relate to access orders for seized digital devices. We know that technology has enabled new methods of offending. Enhancements in encryption and electronic storage of information have made it easier to conceal and prevent access to evidence. 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 Police Powers and Responsibilities Act.

This bill will amend the relevant sections of the PPRA, 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 pursuant to the PPRA including under a search warrant issued by a JP; and to enable a magistrate or Supreme Court judge to make an access order where they are satisfied there are reasonable grounds for suspecting that device information from the digital device may be evidence of a crime scene threshold offence or an offence against the Criminal Code sections 223, 227A and 227B.

The proposed amendments will not provide police with unfettered access to information on a person's storage device as the scope of information accessed will be limited by the offence for which a storage device has been seized. That is very important. For example, if police seize a device due to reasonable suspicion it contains child exploitation material, they would not be able to apply for an access order requiring passwords for a person's bank accounts. Judicial oversight will ensure the access sought and granted is relevant to the offence or the offences that are being investigated.

I turn now to the sections that relate to QPS alcohol and targeted substance testing. When police officers and certain unsworn staff under the current Police Service Administration Act are involved in a critical incident, they may be required to submit to alcohol and targeted substance testing. A 'critical incident' can include discharging a firearm in circumstances that caused or could have caused injury to a person, a death of a person in custody, a vehicle pursuit, or a workplace incident at a police station or police establishment where a person dies or is admitted to hospital for treatment of injuries.

The QPS's Ethical Standards Command identified that the current definition of 'critical incident' is too limiting when the need for oversight of an officer's action is legally required or necessary to ensure public confidence in police. The current definition of 'critical incident' also does not capture the situation where a police officer accidentally discharges a firearm in circumstances that caused or could have caused injury to a person. This bill will provide amendment of the meaning of 'critical incident' for the purposes of triggering alcohol and targeted substance testing to cover those situations.

The Palaszczuk government continues to invest in record numbers of police personnel, support workers and the latest digital technology. We are committed to creating 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 measures contained in this bill help achieve exactly that. I commend the bill to the House.