



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

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Record of Proceedings, 27 October 2022

## **POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)**

### **Introduction**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.16 am): I present a bill for an act to amend the Disaster Management Act 2003, the Fire and Emergency Services Act 1990, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016, the Weapons Act 1990 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Community Support and Services Committee to consider the bill.

*Tabled paper:* Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022 [1764](#).

*Tabled paper:* Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022, explanatory notes [1765](#).

*Tabled paper:* Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022, statement of compatibility with human rights [1766](#).

The main objectives of this bill are to deliver operational improvements and efficiencies for the Queensland Police Service and Queensland Fire and Emergency Services by amending the Police Service Administration Act 1990, the Police Powers and Responsibilities Act 2000, the Weapons Act 1990, the Fire and Emergency Services Act 1990 and the Disaster Management Act 2003.

It has always been and remains my expectation that the interactions between Queenslanders and members of the Queensland Police Service are always courteous and consistent with community values of tolerance and respect. Rightly so, Queenslanders expect much of their Police Service and, accordingly, they hold the members of the Queensland Police Service in high esteem. With that, however, also comes an expectation that the members of the Queensland Police Service will consistently be held to high standards. Let me be very clear: the examples that we have heard during the public hearings of the commission of inquiry are completely unacceptable, but it has been my experience that the vast majority of police officers treat their colleagues and the broader community with respect and are dedicated to keeping Queensland safe.

I will support, stand with and defend those people and the work they do every day of the week. I know the government and the community also support and are grateful for these police officers and police staff, especially in light of the dangerous, difficult and traumatic job that they do on behalf of all of us. But for people who do the wrong thing, there is no place for them in the Queensland Police Service.

It is important to note that the use of local management resolution is governed by QPS policy and procedure, and the application of local management resolution is already being addressed by the Police Commissioner. However, the government will carefully consider the recommendations the commission of inquiry might make about the police discipline system and consult all stakeholders about any need for legislative amendments during this term of government.

Today, the government is acting on the advice of the Queensland Police Service to strengthen Queensland's police discipline system. Many members in this House will remember the changes this government made to the police discipline system in 2019. The changes followed a review of the discipline system led by the Crime and Corruption Commission and agreed to by the Queensland Police Union, the Queensland Police Commissioned Officers' Union, the Queensland Police Service, the government and the opposition.

Over 30 years ago Tony Fitzgerald asked us to remain eternally vigilant so that history would never repeat itself. The improvements to the police discipline system contained in this bill build on the Fitzgerald legacy and are an acknowledgment of the Queensland Police Service's commitment to continuous improvement. The government continues to monitor the new discipline system, making changes and improvements as the need arises. That is exactly what we are doing in this bill.

The amendments in the bill will enable the immediate dismissal of a police officer or police recruit when they are sentenced to imprisonment by an Australian court for an offence, including a suspended imprisonment sentence. This contrasts with the current position where a police officer may be imprisoned in jail but not dismissed from the Queensland Police Service until all criminal appeals have ended and a police disciplinary investigation is finalised under part 7 of the Police Service Administration Act.

Unfortunately, the current process can take many months. This amendment will avoid the unacceptable situation where a sentenced and imprisoned police officer, who has chosen not to resign from the Queensland Police Service, continues to be employed until all criminal appeals have expired and the police disciplinary process orders their eventual dismissal. The dismissal power will not be dependent on, or delayed by, criminal appeals, the police discipline process or administrative reviews.

This amendment is a simple reflection of the standing that our police officers have in the community. We hold police officers in high esteem. We expect police officers to be professional and to hold themselves to the highest standards of behaviour. It is a nonsense for a police officer to continue in that role if they are a convicted offender imprisoned in jail. Dismissing a police officer or police recruit upon being sentenced to imprisonment simply is common sense and is consistent with community expectations.

The bill will also make a number of other amendments to ensure that the police discipline system continues to operate at maximum efficiency. The bill also modernises the Police Service Administration Act legislative framework through ensuring this act complies with contemporary drafting standards. This will include omitting provisions which are duplicated in other acts such as the Police Powers and Responsibilities Act.

This bill also amends the Weapons Act to allow for more efficient processing of weapons licences and permits to acquire weapons by the Queensland Police Service Weapons Licensing branch. Weapons Licensing has the responsibility of managing the regulation of weapons and weapons licence holders. Weapons Licensing receives thousands of applications for licenses and permits to acquire annually. On a weekly basis, Weapons Licensing receives an average of 350 new licence applications, 360 renewal applications and 1,000 applications for permits to acquire.

Although Weapons Licensing is predominantly staffed by Queensland Police Service staff members, the Weapons Act holds that an authorised officer must be a police officer, limiting Weapons Licensing's ability to use the full potential of the experienced staff it has at its disposal. This bill addresses this by allowing the licensing functions of an authorised officer under the Weapons Act to be delegated to a police officer or a Queensland Police Service staff member. This amendment is consistent with the practices adopted by other Australian firearms registries.

These amendments will provide certainty for Queensland Police Service staff members working in the weapons licensing area as currently there are no express provisions within the Weapons Act allowing staff members to act as agents or delegates of authorised officers. As a consequence, Weapons Licensing relies upon common law principles that permit decision-makers to act through their agents.

A further amendment in the bill will confirm that any firearm licences, renewal of firearm licences and permits to acquire issued by an authorised officer prior to the commencement of this bill will be valid. This will eliminate any concern that may be held by licence holders about the validity of licences issued in reliance of the common law principle. I would like to take this opportunity to place on record my thanks to the firearms industry, which has worked collaboratively with the Queensland Police Service and the government on this issue.

The bill also amends the Fire and Emergency Services Act to ensure all fire safety installations required for a building fall within the definition of 'prescribed fire safety installation' to streamline compliance activities and apply the building fire safety requirements, including the same penalties, to

all these essential facilities. The bill also enhances data and information sharing between Queensland Fire and Emergency Services and the Queensland Police Service relating to the investigation of fires involving a death or serious injury. The bill contains a series of amendments to the Disaster Management Act and the Fire and Emergency Services Act to provide for online publication of notices about local fire bans, declarations of a state of fire emergency, guidelines for preparing fire safety management plans or notices about deemed approvals under the Planning Act during a disaster situation.

The bill also amends the offence of pretending to be a fire services officer, authorised rescue officer, emergency service unit member, State Emergency Service coordinator or State Emergency Service member in the Fire and Emergency Services Act. The amendment will extend the offence to include pretending to be a member of a rural fire brigade to provide the same safeguard to protect the reputation of the Rural Fire Service that applies to the Fire and Rescue Service and the State Emergency Service. The bill also makes a number of other amendments to the Fire and Emergency Services Act to support the operations of Queensland Fire and Emergency Services.

When considering this bill it should be acknowledged that this bill does not amend vast tracts of law or make revolutionary changes to how the Queensland Police Service or Queensland Fire and Emergency Services do business. This should not detract from the importance of this bill. The bill introduces a number of changes, each of which is designed to bring incremental improvements to the Queensland Police Service and Queensland Fire and Emergency Services. Small changes can lead to big outcomes. Collectively, the amendments introduced by this bill will have a substantial impact.

We all rely upon the Queensland Police Service and Queensland Fire and Emergency Services to keep our family and our community safe. The personnel in these agencies have a difficult and sometimes very dangerous job to do. They do not need their work to be more complicated through unneeded legislative procedures or outdated provisions. This bill plays its part by ensuring that the legislative framework for the Queensland Police Service and Queensland Fire and Emergency Services is operating efficiently, placing our emergency services in the best possible position to keep all Queenslanders safe. I commend the bill to the House.

### **First Reading**

**Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.27 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 Community Support and Services Committee**

**Mr DEPUTY SPEAKER** (Mr Kelly): In accordance with standing order 131, the bill is now referred to the Community Support and Services Committee.