




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 30 November 2022

POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.25 am): I present a bill for an act to amend the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Police Powers and Responsibilities Act 2000, the Summary Offences Act 2005, the Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015, the Transport Operations (Road Use Management) Act 1995 and the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Safety Committee to consider the bill.

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 [2003](#).

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill 2022, explanatory notes [2004](#).

Tabled paper: Police Powers and Responsibilities and Other Legislation Amendment Bill 2022, statement of compatibility with human rights [2005](#).

Today I introduce the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022. Community safety is paramount. The Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 will further strengthen and improve our laws. The changes proposed in this bill tackle a number of issues of community concern. They include child sex offending, hooning and cybercrime. The protection of our children is of utmost importance to the community. Child sex offenders are amongst the most heinous of all offenders and, as such, they deserve to be subject to the strongest and strictest monitoring and reporting regimes available. That is why the government is introducing new legislation to further toughen laws and crack down on those who prey on our state's most vulnerable: our children.

With these new laws, Queensland will have the toughest laws in the nation when it comes to the monitoring of child sex offenders. In doing so, we will right a wrong of the former Newman LNP government, which in government reduced the monitoring periods of child sex offenders. This government will now double the periods for the monitoring and reporting of child sex offenders. With this amendment, any predator convicted of a child sex offence will be required to report to and be monitored by police for periods of 10 years, up from five years, and for repeat offenders for periods of 20 years, up from 10 years. The most serious recidivist child sex offenders will be monitored for their entire lives. These reforms will reinforce the strongest, most comprehensive monitoring laws in relation to child sex offenders in the nation.

This is important legislation. It allows our dedicated law enforcement agencies to keep convicted child sex offenders under their watchful and ever-present eye for far longer than they previously could. This week we rewrite the record and further crack down on child sex offenders. The Palaszczuk government will always crack down on child sex offenders, because it is about putting the community first and child safety first.

Recent legislative amendments to extend the reporting obligations for dangerous sex offenders are expected to increase the number of reportable offenders under Queensland Police Service management. To assist the Queensland Police Service in carrying out its monitoring obligations, amendments are contained in this bill to provide an avenue for police to apply for a surveillance device warrant when intelligence indicates that a reportable offender is in breach of their conditions.

In relation to hooning, this bill proposes amendments to continue our pursuit of participants in hooning activities and widens the net to target spectators and distributors of online material that seeks to promote hooning. The encouragement of hooning activities through social media and attendance at clandestine events glorifies this antisocial behaviour and fuels its continuation. The proposed amendments seek to specifically target the encouragement of hooning activities by spectators and the recording and promotion of these behaviours by organised groups on social media. The frustration for authorities lies not only in detecting and identifying the offenders but also in deterring the audience this antisocial behaviour attracts.

This is why the bill proposes to insert new provisions in the Summary Offences Act prohibiting the encouragement and complicity in hooning offences, including the possession of items for the purpose of committing a type 1 offence—for example, numberplates, spare wheels and hydraulic jacks. Police inquiries are often made difficult by offenders removing or altering registration plates to avoid detection. Although the vehicle registration regulation comprehensively outlines the various ways numberplates can be inappropriately used, the offence provision does not appropriately penalise offenders who commit this offence when hooning. That is why the bill proposes to increase the maximum penalty to 40 penalty units where the circumstance of aggravation of a type 1 vehicle offence is involved.

Offenders performing burnouts have also exposed a loophole under section 29 of the Queensland Road Rules that requires the vehicle to make unnecessary noise or smoke. Offenders are exploiting this wording by using substances on roads to reduce friction and therefore eliminate noise or smoke whilst still driving in a manner which is reckless. They are also hooning in public parks and public areas that would not be defined as a road or road related area and which does not necessarily generate the noise or smoke required by the offence provision.

This reckless behaviour has the potential to cause great harm or injury to spectators and participants alike. To address this, the bill will include a new offence in the Transport Operations (Road Use Management) Act to prohibit a person from wilfully operating a motor vehicle in a manner that causes the vehicle to undergo a sustained loss of traction by one or more of the vehicle's wheels. The offence will apply in a public place as well as on a road. These amendments tighten the screws on hoons and further demonstrate this government's resolve to rid our communities of this type of dangerous and antisocial behaviour. These tough but targeted legislative measures come on top of additional funding that the government has provided for anti-hoon strategies of the Queensland Police Service, including the use of new technologies.

Cybercrime is costing victims as both individuals and businesses over \$7 million a month—a cost that has been growing exponentially since 2019. This growth of internet and online activities has seen great improvements in our daily lives. However, there are those who choose to exploit this for their own personal and financial gain. Queenslanders are being targeted through internet scams and extortion, losing not only their hard-earned money but also their confidence and trust in the ability to use modern technology. This bill will assist in combating the significant financial and social impacts that cybercrime has on the community by giving police the ability to use controlled operations as a strategy for investigating cyber related fraud, computer hacking, identity theft and revenge porn type offending.

Most cyber offences committed fall into four main categories under the Criminal Code—computer hacking, fraud, dealing with identity information and the distribution of intimate images. The primary way in which many of these offences are being committed involve darknet marketplaces and organised crime entities where offenders can hide behind the relative anonymity of the dark web and trade in the business of identity documents. Traditional methodologies to detect and investigate these offences are failing owing to the evolving and sophisticated manner of offending. The most effective method for the Queensland Police Service to investigate these cybercrimes is through online engagement. The proposed amendments involve the extension of powers relating to controlled operations to include the offences I have outlined. Police use controlled operations to investigate and gather evidence of crimes that would ordinarily be difficult to detect, thus providing a greater level of protection for Queenslanders from the effects of cybercrime.

The bill also provides for the participation of a civilian in a controlled activity. The law currently only allows for the participation of a civilian in a controlled operation but not a controlled activity. A controlled activity undertaken by an officer relates to engagement in a specific act to obtain evidence

which in ordinary circumstances would be illegal. The purpose of extending the provisions allows for the protection of the civilian from prosecution for assisting an investigation to obtain evidence—for example, an informant making an introduction between a covert police officer and a suspect of an offence. The focus of this amendment is on improving the capability to identify offenders and gather evidence to protect our community from vulnerability.

There is a common thread in the suite of legislative amendments contained in this bill, and that is keeping Queenslanders safe—safe on our roads, safe from sexual predators and safe online. I commend the bill to the House and encourage all members to support it.

First Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.35 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 Legal Affairs and Safety Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.