




Speech By
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MEMBER FOR MACALISTER

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POLICE LEGISLATION (EFFICIENCIES AND EFFECTIVENESS) AMENDMENT BILL

 **Mrs McMAHON** (Macalister—ALP) (12.49 pm): I rise to speak in support of the Police Legislation (Efficiencies and Effectiveness) Amendment Bill 2021. Throughout the pandemic our police have done an incredible job keeping Queenslanders safe. Whether it be work on our border entry points and quarantine facilities or in enforcement and compliance, they are to be commended for their role in our nation-leading response to COVID-19. They have done that while continuing to maintain an exceptionally high standard of service to the people of Queensland and we are proud to support the work that they do. This government is proud to support the work that they do and I am proud of the record that this government has in supporting the Queensland Police Service.

To continue to support the efforts of police to keep Queenslanders safe now and into the future, the Palaszczuk government has committed to providing the QPS with additional police personnel. In the south-eastern police region that I represent, this will mean at least an additional 150 frontline police across the districts of Logan and the Gold Coast. The bill builds on our significant commitment to the QPS by optimising existing systems and processes to free up frontline resources and to modernise existing practices so that police can spend more time on the front line, serving and protecting Queenslanders. The bill achieves that in a number of ways. However, the two aspects that I would like to focus on today relate to the creation of the Oaths Regulation 2021 and expanding instances in which digital access orders can be made by courts.

Police work does not end with the identification and apprehension of an offender for an offence. In fact, many police would argue that most of the hours of police work lie in the completion of paperwork and all its processes. The service of documents, properly witnessed and endorsed, is a significant component of that. Currently, several documents to be served by police require locating a justice of the peace or commissioner for declarations in order to endorse the service of the document. That may seem like a simple step but the actual logistics of locating a JP, often outside of work hours, attending the address, going through the documents in person and returning to the station to continue further paperwork processes can take anywhere from 30 minutes to two hours, and in some cases in regional Queensland an entire shift.

Considering that a review in 2020—just of plain-clothes units and relating only to the witnessing of bail affidavits, which is a small portion of the large amount of paperwork that needs to be signed—found that, in one year alone, with one category of service personnel, this represented 6,341 instances where JPs or commissioners for declarations had to be located. That equates to thousands upon thousands of police hours spent just to obtain a witness to a document. Those are thousands and thousands of hours in which officers could have been on the road or continuing further investigations to apprehend offenders.

This bill will allow for senior police—that is, an officer in charge of a station or someone acting in that position, a watch house manager or a police officer of the rank of sergeant or above—to be able to witness those documents. I understand that in their submission the Youth Advocacy Centre raised

concerns that the rank of sergeant was not senior enough within the service. However, I would respectfully attest that, given attaining the rank of sergeant usually requires at least 10 years service, a significant amount of personal study and annual competency training as well as in-service courses, that is a significant amount of service and seniority.

I mean no disrespect to our community JPs and commissioners for declarations—and I make it a priority to meet all JP and commissioner for declaration applicants in my electorate—but few would have that level of experience or study in such specific areas of knowledge as bail requirements. I note that safeguards remain such as the offences in the Criminal Code relating to false declarations and those would be just as applicable to any senior police witnessing documents as they would be to JPs and the like.

The other aspect of the bill that I would like to focus on is modernising existing practices so that police can continue to disrupt crime. We all acknowledge that crime continues to evolve in the digital age and as technology advances so does the MO of offenders. Our laws must evolve so that we can keep ahead of offenders. Increased policing resources must be complemented by enhanced measures for disrupting crime so that our officers can continue to keep the community safe.

Evidence that was once kept physically can now be stored completely electronically. Technology based offending leaves a digital trace, not only a physical one. The legal framework can make it difficult for police to obtain an access order where devices are seized other than under a search warrant issued by a magistrate or Supreme Court judge. This adversely impacts investigations of serious offences like the non-consensual sharing of images and upskirting. Just to be clear, I point out to the House that upskirting does not actually require the victim to be wearing a skirt. It is important that these issues be addressed so that police can protect victims.

The reforms in this bill, through amendments to the Police Powers and Responsibilities Act, will expand the circumstances in which a magistrate or Supreme Court judge may issue a digital access order requiring a person to provide a password or encryption code to allow police to access information stored on a device such as a mobile phone. Being able to properly investigate those events strengthens the laws introduced by this government that made acts like revenge porn a criminal offence in Queensland.

Under the proposed amendments, police will now be able to seek digital access orders in circumstances where they suspect offences against the Criminal Code, including distributing intimate images, observations of recordings in breach of privacy and distributing prohibited visual recordings. If police locate a person using a mobile phone to take unauthorised pictures of another person—in a communal change room, for example—they may lawfully seize that mobile phone at that location and they will be able to apply for a digital access order to gather evidence of the offending behaviour. This is critical to investigating and solving those crimes and to keeping the community safe.

As our response to the pandemic shows, community safety has been at the forefront of everything that this government has done. We must continue to support our police and the vital work that they do, including not only increasing their resources and capacity but also giving them the ability to properly investigate crimes in increasingly complex digital environments. I commend the bill to the House.