




Speech By  
**Dale Last**

**MEMBER FOR BURDEKIN**

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Record of Proceedings, 19 April 2023

**POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION  
AMENDMENT BILL 2022; POLICE POWERS AND RESPONSIBILITIES AND  
OTHER LEGISLATION AMENDMENT BILL 2023**

 **Mr LAST** (Burdekin—LNP) (3.38 pm): I rise to contribute to the cognate debate of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 and the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023. There are provisions contained within these two bills that the opposition fully supports and there are other provisions that we do not support. I will go into more detail in due course. I will commence with the bill introduced in 2022 given that the short titles are identical other than for the year. No Queenslanders would object to the strengthening of child protection laws, because all Queenslanders acknowledge the importance of protecting our children from people who commit or attempt to commit the most despicable acts against our most vulnerable. It must be stated that the amendments relating to reportable offender reporting periods are based on national laws and that this government can in no way claim to be at the forefront of strengthening protections for children.

That being said, the increase in the reporting period for an offender convicted of a child sex offence for five years to 10 years imprisonment is welcomed by those of us on this side of the House. We also support the increase in the reporting period of a repeat offender from 10 years to 20 years, as these two measures will ensure these offenders are monitored for longer and, importantly, provide an avenue for police to apply for a surveillance device warrant when intelligence suggests a reportable offender has breached their conditions. What must be placed on the record is that these amendments make no change to reporting obligations for repeat offenders who are classified as post dangerous prisoner sexual offenders under that act.

What must be called into question yet again is resourcing for police. In his introductory speech, the minister acknowledged that these amendments were expected to 'increase the number of reportable offenders under Queensland Police Service management'. Every Queenslanders knows that, thanks to the youth crime crisis, a horrific road toll in 2022 and myriad other issues, our police are already stretched beyond breaking point. I call on the minister to address in his reply how he will ensure there are adequate resources to act on these amendments whilst also ensure there are resources to address youth crime and the road toll.

While we support these measures, it is not just the resourcing question that the minister needs to answer. While the minister may claim to be righting a wrong, it was under the watch of this minister that we saw a 15-year-old girl allegedly abused by a known sex offender on the grounds of a Queensland prison and just three months later—

**Mr RYAN:** Mr Deputy Speaker, I rise to a point of order. I understand that that matter may be the subject of criminal proceedings and may be before the court. I direct you to the standing orders in respect of sub judice.

**Mr DEPUTY SPEAKER** (Mr Martin): Even if you have not mentioned a name, member for Burdekin, it is clear what you are talking about. I would ask that you move on.

**Mr LAST:** The minister referred to the need for a significant upgrade. In other words, this government had failed to ensure the security of a facility that houses known child sex offenders. It is rank hypocrisy for this minister to be talking about righting wrongs when so much is going so wrong under his watch.

What is also an illustration of hypocrisy is the fact that, despite having had over six years to right the wrongs, as the minister claimed, he chooses to introduce this bill whilst at the same time the CCC is reviewing the same laws. The CCC has in fact labelled these proposed amendments as premature given their ongoing work, but either the minister chose to ignore their concerns or he simply does not care.

I will touch briefly on the amendments that authorise civilians to take part in a controlled activity. Those on this side of the House and all Queenslanders would fully support the need to take the necessary steps to ensure appropriate surveillance of convicted child sex offenders to ensure they are complying with their obligations and that the community is kept safe. To those civilians who assist police in that surveillance, we say thankyou and acknowledge the work that they do.

With regard to the controlled operations, it is clear to all that cybercrime, identity theft, the distribution of intimate images and associated activities are an area where organised crime groups, in particular, are increasingly becoming a problem. Police must be provided with the necessary tools and legislation to identify offenders and protect Queenslanders. Whilst we support the amendment and note the minister's commitment to providing a great level of protection, we must also highlight that again we have seen the Queensland Audit Office raise concerns regarding the security of information systems in state controlled entities. What is especially concerning are the Audit Office references to the continuation of the same common weaknesses and the fact that over a quarter of deficiencies were not addressed within the agreed time frames.

I move onto the amendments relating to hooning. It is beyond question that the actions of hoons endanger themselves, spectators and the community at large. Just like we have seen with youth crime, we are seeing social media and other platforms being used by hoons in an effort to claim their 15 minutes of fame. In his introductory speech the minister referred to deterring the audience attracted to hooning activity. What the minister failed to address is the fact that this is a great source of frustration for police and other authorities that he has failed to address. Again, this minister has had six years to address this issue. The creation of new offences and the increases in maximum penalties should go some way to deterring both participants and spectators, but I would ask the minister why it has taken so long to do so.

As someone who has personally attended far too many fatal incidents involving vehicles, it is clear that these people either do not realise or simply do not care about the danger they are putting themselves into, let alone the dangers faced by spectators and innocent members of the community. In the interests of community safety, we fully support these amendments because this is becoming an increasing problem right across Queensland, and particularly in the Gold Coast area.

I now move onto the Police Powers and Responsibility and Other Legislation Amendment Bill 2023. I put on the record my disappointment that this bill is being debated in cognate today. Both of these bills and, frankly, some of the individual amendments deserve more attention, more debate and more respect than is available as a cognate debate. People could be forgiven for thinking that debating these bills in cognate is a deliberate strategy by this government.

The opposition fully supports the amendments to the Fire and Emergency Services Act that will clarify the process for prohibition orders made by the commissioner in relation to the lighting of fires. As members have heard me say many times, the Rural Fire Service protects the safety of 93 per cent of Queensland's landmass. Assaults against volunteers is an issue that the Rural Fire Brigades Association Queensland has raised many times, and quite rightly so. In times of emergency, both paid and volunteer responders are putting themselves in harm's way for the benefit of the wider community. What these people do is acknowledged and respected by the vast majority of Queenslanders, but, sadly, we must ensure that these people are protected from those who wish them harm or seek to obstruct them in the performance of their duties. For that reason, we fully support the amendment. The LNP will not be opposing the amendment within the bill to allow executive officers to be appointed to a position or rank.

As I mentioned earlier, road safety is a major issue for all Queenslanders and one that I have a personal interest in. The introduction of a circumstance of aggravation for the offence of evade police is an important step in targeting dangerous drivers and those who are recidivist offenders when it comes

to driving offences. However, another key reason for this circumstance of aggravation is in targeting violent juvenile car thieves. As those of us on this side of the House have said repeatedly, there must be consequences for actions with regard to these young offenders.

While the act of evading police is one that the community abhors, we must remember that these are juvenile offenders. Whilst attempting to evade police, these offenders put members of the community and police in danger as well as themselves and their passengers, with quite often devastating consequences.

We only have to look at the streets of Townsville and what is going on in that community to see the dangers posed by these offenders, but the reality is that some of these offenders are not just attempting to evade police: they are effectively targeting police by ramming and damaging police vehicles. Several times now we have seen police effectively retreat due to the actions of these young offenders. Whilst we welcome the amendments to address the issue of evading police, we call on the minister to also step up to ensure appropriate protections for police who are deliberately targeted by these offenders.

The need to create a greater deterrent for evade police is obvious to all Queenslanders and it is a sad fact that Queensland's recidivism rate sits 10 per cent higher than the national average. Therefore, the steps to ensure that the owner of a vehicle involved in an evasion offence provides details of the driver are welcomed by those of us on this side of the House.

I move on to the amendments relating to drug trafficking. Let us be very clear: those who traffic drugs profit from its misery. It is the vile acts of these offenders who destroy families, destroy communities and destroy lives. They will go to any lengths to profit while others face the consequences that drugs have on the lives of Queenslanders.

While traffickers and dealers promote the highs associated with drug use, it is the community that is left to clean up the mess. That mess includes increased crime in order for users to fund their habits, the health consequences for users and the impact on the health system as well as family breakdown, violence and much more. Like many in this place, I have seen too many lives destroyed by drugs. I am sure the vast majority of Queenslanders would agree with the increase in the maximum penalty faced by people convicted of trafficking drugs for, indeed, the people they supply and the community in general often faces a life sentence due to their actions and it is only fitting that the traffickers face the same penalty.

The drug ice, or crystal methamphetamine, is just one of the drugs these traffickers supply and, given the increase in its use, it is one of the drugs that traffickers will have a specific interest in. The Positive Choices website, which operates in collaboration with the federal Department of Health and Aged Care as well as the University of Sydney, provides resources for a range of drugs to be used by teachers. According to their ice fact sheet, one in 100 students aged 12 to 17 used amphetamines, including ice, in the past month. They go on to state that the number of deaths and hospital admissions for dependence and psychosis are increasing.

Now remember that these are facts presented to teachers by a group with a direct link to the federal Department of Health and Aged Care. Yes, drug use can be regarded as a health issue, so let's look at the effects. Anxiety and panic attacks and aggressive behaviour are just some of the immediate effects. Long-term effects include strokes, psychosis, paranoia, depression, malnutrition, heart problems, kidney problems, lung problems, dental problems and, of course, drug dependency. The handout even includes the following sentence—

... methamphetamine is a very unpredictable drug. Toxic, and sometimes fatal, reactions can occur regardless of the amount used, whether the person is a first-time, occasional or regular user.

Given those side effects and the potential for death, it should be ringing alarm bells that one in 100 students use these drugs on a monthly basis. There is no doubt that the health impacts of these types of drugs are real and there is no doubt they pose a threat not just to users but to the community. Drugs are something the community is genuinely concerned about and it is those concerns that are addressed somewhat by the increase in the maximum penalty for drug trafficking. Those particular amendments make it clear that Queenslanders will not tolerate the peddling of dangerous drugs and that when they are trafficked there will be severe consequences. It is a process called deterrence.

What we see in the amendments relating to the possession of drugs effectively removes the element of deterrence for users. Yes, it is absolutely right to target traffickers, but a key strategy in shutting down their trade in suffering is in deterring users, the people that the traffickers actively target. The government claims that the amendments relating to the expansion of the police drug diversion program will allow for the expansion of drug diversion for minor drug offences and expand the range of alternative options available to police to divert minor drug offenders from the criminal justice system and into appropriate health interventions.

Those on this side of the House agree that drug users need health interventions, whether those interventions are to address dependency or the long list of side effects including mental health conditions. It is hypocritical at best to talk about deterring drug trafficking with increased penalties whilst effectively condoning the purchasing and carriage of the same substance that drug traffickers are dealing in. We are talking about dangerous drugs here. We are talking about heroin, cocaine and ice. The suggestion is that drug use is solely a health issue, and I cannot agree with that. The reality is that drug use is a health issue, a law enforcement issue and a rehabilitation issue.

It is concerning to me that this bill proposes to essentially define what is a minor drug offence by regulation rather than by legislation. That will be achieved by prescribing the quantity a person can hold, and still be eligible for diversion, in regulation—regulation that is not subject to the same level of scrutiny as legislation and regulation that can be amended by the relevant minister.

The committee heard that the quantity for methamphetamines such as ice is proposed to be one gram. According to the University of New South Wales, 'The typical dose of methamphetamine is a point of base or ice which is taken once or twice over the course of an evening or day.' They go on to define a point as 0.1 of a gram. In effect, under this bill a person can be carrying 10 doses of ice, or enough for five days. If police were to intercept a motor vehicle containing five persons and they each had a gram—under this legislation they would be required to be diverted—they would be dealing with a massive amount of a dangerous drug.

A five-day supply of a drug that can cause death simply cannot be treated as a minor offence. We must as a society do all we can to not only provide treatment for users but also deter people from using these drugs in the first place. I want to make it very clear that the LNP fully supports legitimate diversion programs. We fully acknowledge that drug diversion initiatives can help people get back on track and we note that diversion can be used as a strategy to reduce demand for drugs as outlined in the National Drug Strategy 2017-2026. What we cannot and do not support is the abandonment of consequences for actions and the abandonment of deterrence. Harm minimisation simply cannot come at the expense of the rule of law.

This bill has garnered significant media attention with a poll conducted by the *Courier-Mail* showing, as at 1 pm today, that 65 per cent of respondents were opposed to 'relaxing drug possession laws'—65 per cent of respondents were opposed. The government would do well to take that into consideration when debating this bill over the next two days. Perhaps the difference in those polls is partly attributable to the range of effects that drug use has on particular communities as well as access to services such as rehabilitation.

A young lady from regional Queensland recently contacted my office with regard to her experiences. With her permission I will share her story. For the purpose of protecting this person, I will refer to her as Jenny. Jenny grew up in a traditional family and describes herself as a shy child. She did well at school and was accepted into university in Brisbane to study her chosen degree. Within four weeks of being in Brisbane, Jenny had found her niche. The shy child from the bush was no more and Jenny was enjoying both her studies and her social life.

Just a few months later, Jenny was introduced to drugs. By her own admission, she enjoyed being high mainly because it helped her overcome her shyness. Jenny's story is not unique in that she became an addict whose life revolved around drugs and the social life that came with them. Jenny was lucky for a few reasons that make her story a little different and that illustrates the challenges faced in regional Queensland especially.

Jenny's experience with drugs saw her university results plummet and, luckily, Jenny realised that she needed help. With the support of her family, she returned home to regional Queensland to 'get away' from drugs. Sadly, it was not long before the drugs found her, and Jenny describes fighting an intense craving that eventually she could no longer resist. I am happy to inform the House that today Jenny is healthy, has a family and a career, but the important part is what helped her achieve what she describes as a '90 per cent recovery'.

I mentioned before that Jenny was lured back into drugs, but when she told me that she was using far less than she previously had in Brisbane I asked her why. Her reply was that quite often when she was about to buy drugs or use drugs she would spot a police vehicle. Despite being at her lowest and having told her family what she had done to finance her drug habit, she simply could not face her parents being told by police that she had been arrested.

Jenny's story illustrates the deterrence that exists when we treat drug use as a law enforcement issue as well as a health issue. Jenny's story does not end there. Getting clean was, in her words, sheer hell. She speaks of the pain, sickness and, worst of all, being alone. She was lucky in a way. A family member was able to secure her a paid position in a drug rehabilitation facility in Sydney. For months

Jenny's family had tried to find rehabilitation closer to home but there was none available, and the best on offer was for her to be put on a waiting list. To this day Jenny does not know what her rehabilitation cost financially, but she knows that the personal cost was, in her words, months of tears.

In Jenny's words, 'Queensland doesn't have the rehab beds it needs now, let alone asking the police to send more people their way.' Sadly, Jenny is right. We heard the minister not half an hour ago stand up in this place and talk about 20,000 minor drug offences in Queensland each year. Of course the question the minister needs to address is: how will our health system, which we know is in crisis, cope with this increased demand on their services? It is undeniable that rehabilitation services are in short supply in regional Queensland and, in many cases, a police referral will simply mean that someone else misses out. As I mentioned earlier, I cannot support laws that condone citizens carrying illicit drugs. While we continually focus on improving our response to drug use, we cannot undermine the deterrence factors and the rule of law.

The opposition is not asking for drug use to be treated solely as a law enforcement issue. Queensland can be tough on crime while also offering diversion and harm minimisation strategies. What must be remembered is that the only people who benefit from drugs are criminals and quite often criminal networks who trade in human misery. What must be remembered is that the drug trade results in lives being ruined. Just like a health response, a law enforcement response to drugs is about ensuring we have as many ways to attack this problem as possible. I cannot, and will not, agree to give any ground when it comes to the fight against drugs. I cannot, and will not, agree to reduce options to protect Queenslanders and Queensland communities from the ravages of drugs. For those reasons I cannot agree to the provisions within this bill relating to the expansion of the police drug diversion program, and I call on all members to do likewise.

If I could briefly turn to the amendments just spoken about by the minister regarding the Police Service Administration Act and the proposal that retired police officers be introduced into the Police Service as special constables. I will certainly speak in more detail on this particular amendment during consideration in detail. Fundamentally, the opposition has no objection to the recruitment of retired police officers as special constables in the state of Queensland, but this is proof positive that the recruitment strategy of this government has failed miserably. In their attempt to try to claw back some ground regarding police recruitment they have had to resort to hiring retired police officers. We do not for one moment dismiss the benefits of having that experience back on the streets, but let's be honest with ourselves: the recruitment of those retired officers is but a stopgap measure in the overall recruitment strategy, and I will talk more about that during consideration in detail.