




Speech By
Jim Madden

MEMBER FOR IPSWICH WEST

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 MADDEN** (Ipswich West—ALP) (6.31 pm): I rise to speak in support of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 and the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023. My contribution will focus on the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023. The objective of the bill is to promote the efficiency of the Queensland Police Service, the Parole Board and the Queensland Fire and Emergency Services through a range of amendments that will deliver operational and administrative improvements.

In relation to the Queensland Police Service, amendments in the bill will enhance the police drug diversion program through introducing drug diversion warnings, allowing an eligible person an opportunity to participate in a subsequent drug diversion assessment program, and expand minor drug offences to include the possession of prescribed quantities of any type of dangerous drugs and certain pharmaceuticals. Statistics clearly show that police drug diversion programs result in the majority of those individuals never again having contact with the police. The Police Service itself estimates that more than 17,000 minor drug offenders will be eligible for the new police drug diversion program in year 1 of its implementation. That is 17,000 opportunities to prevent somebody from developing a substance abuse disorder. The enormity of these opportunities will undoubtedly be life-changing for many Queensland families. Equally important are the experiences of our frontline workers who deal daily with the consequences of drug use and the impact it has on both individuals and the community.

It is the intention of the government with this bill that the drug diversion program will be available only to people who are in possession of dangerous drugs for their personal use and in circumstances where the possession does not have a nexus with other criminal offences. For that reason, the bill places limits on the operation of its framework. Currently in Queensland, drug diversion is available only with respect to the possession of small amounts of cannabis and things used in the smoking of cannabis. Prosecution remains the only option available to police in dealing with offences relating to the possession of small quantities of any other dangerous drug, the possession of anything used in the administration of such drugs, or the misuse of pharmaceuticals. This bill will expand the existing drug diversion program to make it available in respect of minor drugs.

The bill provides that drug diversion will not be offered unless the police officer reasonably believes that the drugs possessed are for the person's personal use. Subordinate legislation will set limits on the quantity of drugs to which the diversion framework applies. Further, people who have previously been sentenced to imprisonment for serious drug crimes will not be eligible, even if they are in possession of drugs for their personal use. Importantly, where the offence is committed in connection with another indictable offence, diversion will also not be available.

Another important aspect of this bill is that it will introduce a circumstance of aggravation for an offence of evading police under section 754 of the Police Powers and Responsibilities Act 2000. Evade police offences are an issue of significant concern to the community. These offences are generally

committed in concert with a range of other traffic offences such as speeding, dangerous driving or driving without due care to other road users. The consequences of committing these offences can be dire, as is evident from recent cases which resulted in fatalities. Although evade police offences already carry a significant penalty and policing strategies including the impoundment or forfeiture of motor vehicles used to commit these offences apply, these offences continue to occur, warranting a stricter policing response. Of particular concern are recidivist offenders who, through their actions, demonstrate a repeated failure to comply with traffic laws, a continued disregard for authority and an intention to persistently engage in offending behaviour.

Amendments to the Corrective Services Act, as provided for in the bill, will strengthen the no-body no-parole framework to incentivise earlier prisoner cooperation to locate a homicide victim's remains. The bill will introduce a new discretion for the board to consider a prisoner's cooperation in locating a homicide victim's remains at any time after sentencing, instead of requiring the board to wait until the prisoner applies for parole. As well, the bill will provide that where the board has determined that a no-body no-parole prisoner has not cooperated satisfactorily—a no-cooperation declaration—the prisoner is restricted from applying for parole where there is no new cooperation.

The bill will also provide the Parole Board Queensland with flexibility to manage its workload and the risks different prisoners pose to community safety. Amendments proposed to the Corrective Services Act include introducing a new discretion to the president of the board to declare that a life-sentence prisoner who has committed multiple murders or murdered a child—a restricted prisoner—must not be considered for parole for up to 10 years. They also provide that a restricted prisoner subject to a restricted prisoner declaration must meet a higher threshold for exceptional circumstance parole release. Where a declaration is not in force, it creates a presumption against parole which will place an onus on a restricted prisoner to demonstrate that they do not pose an unacceptable risk to the community.

The bill will make minor amendments to the legislation administered by the Queensland Fire and Emergency Services. It will confirm that any request or application made under section 64, 'Prohibition by commissioner against lighting of fires', and section 65, 'Granting of permits', of the Fire and Emergency Services Act 1990 must contain the information prescribed by the regulation and, in the case of a request under section 64, be made in the way prescribed by the regulation. The legislation will introduce a new restriction on section 150BA, 'Assault of persons performing functions or exercising powers', of the Fire and Emergency Services Act 1990 and make consequential amendments to the offence outlined in section 150C, 'Obstruction of persons performing functions', under the Fire and Emergency Services Act. I commend the bill to the House.