



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

---

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**

**Second Reading (Cognate Debate)**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (3.23 pm): I move—

That the bills be now read a second time.

The Economics and Governance Committee considered the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 and made one recommendation, namely, that the bill be passed. I thank the committee for its work and that recommendation. Additionally, the Legal Affairs and Safety Committee considered the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 and made three recommendations. I table the government response to those recommendations. I also thank the committee for those recommendations and its work in respect of analysing this bill.

*Tabled paper:* Legal Affairs and Safety Committee: Report No. 46, 57th Parliament—Police Powers and Responsibilities and Other Legislation Amendment Bill 2023, government response [512](#).

In 2014 the LNP's Child Protection (Offender Reporting) and Other Legislation Amendment Act changed the reporting arrangements for child sex offenders and shamefully saw the police monitoring of more than 1,700 offenders on the Child Protection Offender Register cease. The LNP's changes included reducing the period of monitoring for child sex offenders from eight years to five years and for those offenders found guilty of two relevant offences—for example, the rape of a child—the period for monitoring was reduced from 15 years to 10 years.

In 2014, the LNP claimed their soft-on-crime approach was based on research. However, the research quoted by the LNP sadly indicated that child sex offenders continued to reoffend despite intensive monitoring and supervision. I quote specifically from former LNP police minister Jack Dempsey's answer to question on notice 800 where he stated—

The research further indicates that of all child sex offenders, the proportion of re-offending is shown to be around 14% to 16% in the first five years after release, 4% to 6% at 10 years after release and 3% to 5% after 20 years after release.

The very evidence the LNP relied upon to justify cutting the monitoring of 1,700 child sex offenders from the Child Protection Offender Register indicated that those offenders were still at risk of reoffending. Our amendments to the Police Powers and Responsibilities and Other Legislation Amendment Bill will right this wrong. Reporting periods for child sex offenders will be increased to 10 years for the first reportable offence, 20 years for the second and then reporting for life for subsequent offences.

Last year I visited the dedicated investigators and victim identification specialists from the Queensland Police Service's Task Force Argos as well as many others who are based at the Australian Centre to Counter Child Exploitation here in Brisbane. They do incredible work right across the state, as do the police officers and staff in child protection investigation units and at the Child Protection Offender Register.

The Palaszczuk government will always back the QPS with more resources and stronger laws. On this point I am advised by the commissioner that, to accompany the changes in this bill, the commissioner intends to double the resources allocated to the Child Protection Offender Register over the next eight years and this will be allocated from police growth positions already funded by the government. Our government's record on keeping the community safe is a strong one. Let us not forget that it was a Queensland Labor government that introduced the Dangerous Prisoners (Sexual Offenders) Act in 2003 and the Child Protection (Offender Reporting and Offender Prohibition Order) Act in 2004. It was the strongest legislation in the nation and was copied by other jurisdictions.

Common sense is a wonderful thing. It is common sense that underpins the drug diversion reforms in the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023. It means treating a health issue—a health problem—with a health response. That is common sense. It is a commonsense approach that has been specifically requested by the Queensland Police Service and is supported by Police Commissioner Katarina Carroll. It is a commonsense approach that is also strongly supported by every single Queensland based former police commissioner who has served the people of Queensland since the Fitzgerald inquiry. In fact, former police commissioner Ian Stewart said—

Expanding drug diversion is not about going soft on crime. Just the opposite. It is a way of offering real hope to those caught up in drug use and providing a proven pathway to better personal wellbeing away from the criminal justice spiral.

Former corrective services commissioner Professor Peter Martin said—

This particular initiative is absolutely consistent with the best available evidence of what works around not only Australia but also internationally.

Former police commissioner Bob Atkinson said—

... there are many reasons why this is a sensible thing to do, but one of the standouts to me is the thousands of young people each year who obtain a criminal conviction for the possession of a small amount of drugs for personal use, who would never otherwise in their entire lives come into contact with the criminal justice system—and they're marked for life.

Earlier today, right in front of parliament, former federal police commissioner Mick Palmer stood in front of the media and said that the government was doing the right thing. He said it was right to treat minor drug issues as a health issue. The former federal police commissioner also said that the right thing to do was to hit those who profit from the misery of others, the drug traffickers, with a life sentence—exactly what we are doing in this legislation.

Under this new legislation, Queensland police will have new powers when it comes to dealing with people found with small quantities of drugs. This is about helping people, who are often young people, deal with a health issue. Previously, police had the power to divert people found with small quantities of cannabis to a drug diversion assessment program. Under the new legislation, that power will extend to other drugs and provide a tiered health response. This brings Queensland into line with all other jurisdictions across the nation.

According to police, diversion programs result in the majority of those individuals never having contact with police again. In Queensland each year, police will come across approximately 20,000 people in possession of a small quantity of drugs for their own personal use. Currently, police can spend around nine working hours processing a minor drug offence case through to its conclusion in court, where the individual who has been charged may not receive the early interventions from the health experts that they actually need. This new expansion of the police drug diversion program will free up police time to focus on serious drug offending such as drug supply, trafficking and manufacturing while keeping people with a health issue out of the judicial system. It is a commonsense approach based on evidence: if you divert people early to health and education services, they are less likely to reoffend. It is also about preventing crime.

At the other end of the scale, the penalties for those intent on spreading misery throughout the community through trafficking dangerous drugs will increase significantly. The trafficking of dangerous drugs results in significant economic and social harm to the community. The increase in penalties will make it clear that there is zero tolerance for this form of drug offending. The penalty for someone convicted of drug trafficking will be increased, from 25 years imprisonment to life imprisonment.

I want to acknowledge the tenacious advocacy of Dr Erin Lalor of the Alcohol and Drug Foundation, Rebecca Lang of the Queensland Network of Alcohol and Other Drug Agencies, Dr Maria Boulton of the Australian Medical Association of Queensland and her predecessor Dr Chris Perry, and

Matt Noffs of the Noffs Foundation. In relation to this proposal, members of this House have a clear choice: they can be on the side of the police, on the side of the research and on the side of national consistency, or they can choose the opposite.

I intend to move an amendment during consideration in detail to the Police Service Administration Act 1990. Currently, there is no ability to employ a police officer other than on a full-time or part-time basis; nor is it possible to employ a police officer past the statutory retirement age of 60. The amendments will give effect to a new category of police officer employed on a casual basis, to be called special constables (state officers). They will be a pool of relief or substitute police officers, similar to what currently exists in other jurisdictional policing services and in, for instance, the nursing and teaching workforces. Special constables will only be used to undertake frontline, first-response general duties and will be employed when and as needed by the Queensland Police Service.

The proposed amendments to the Police Service Administration Act will allow the Queensland Police Service to offer employment opportunities on a casual basis to this untapped pool of experienced officers. This will be achieved by expanding the concept of special constable so that it can facilitate the employment of former police officers on specific terms, enabling these officers to act as a relief police workforce. The effect of the proposed amendments will be that police officers will still be required to retire on their 60th birthday but, if suitable for re-engagement, can be re-sworn as a special constable of the Queensland Police Service. Those officers who resign or age-retire and immediately apply to join the special constable pool will not be required to be further re-evaluated but may be required to undertake annual medical and functional role capacity tests. It is noted that former police officers who have not yet turned 60, regardless of their length of departure from the service, can also apply to be a special constable. All new special constables will be required to complete and remain up to date on all mandatory training considered necessary for the role. Special constables will be subject to the same disciplinary provisions as any other police officer.

In addition to the changes to the monitoring period for child sex offenders, the Police Powers and Other Legislation Amendment Bill 2022 also amends legislation to improve the ability of the Queensland Police Service to investigate cybercrime and other offences committed by reportable offenders by making certain offences against the Criminal Code and the Child Protection (Offender Reporting and Offender Prohibition Order) Act relevant offences for controlled operations and surveillance device warrants in schedule 2 of the Police Powers and Responsibilities Act. Further, it will enhance the capacity of the Queensland Police Service to investigate organised crime by facilitating the use of civilian participants in controlled activities in certain limited circumstances. It also strengthens laws to deter hooning behaviour, with a new circumstance of aggravation for the offence of evading police under section 754 of the Police Powers and Responsibilities Act.

In addition to the expansion of the police drug diversion program, the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 amends legislation to allow for the appointment of a person as an executive officer rather than to an executive officer position. This will allow executive officers, for example assistant commissioners and deputy commissioners, to be appointed generically to their respective rank or to the particular position they will fill. The bill also makes minor amendments to legislation administered by Queensland Fire and Emergency Services by confirming that any request or application under section 64, 'Prohibition by commissioner against lighting of fires', or section 65, 'Granting of permits', of the Fire and Emergency Services Act must contain the information prescribed by regulation and, in the case of a request under section 64, must be made in a way prescribed by the regulation itself.

The Palaszczuk government will always back the hardworking frontline and dedicated volunteers who contribute to our community and keep our community safe. That is why we have also included in this amending bill a new section 150BA, 'Assault of persons performing functions or exercising powers', under the Fire and Emergency Services Act, and made consequential amendments to the offence outlined in section 150C, 'Obstruction of persons performing functions', under the Fire and Emergency Services Act. This bill in many respects improves community safety. It supports the front line and delivers better outcomes for Queensland. I commend the bills to the House and encourage all members to support them.