




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

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

 **Mr WEIR** (Condamine—LNP) (6.22 pm): I rise to make a contribution 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. I will start with the 2022 bill. The objectives are to: strengthen child protection laws by increasing the periods for which an offender is required to report under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004; improve the ability of the Queensland Police Service to investigate cybercrime and offences committed by reportable offenders by making certain offences against the Criminal Code Act 1899; enhance the capacity of the QPS to investigate organised crime by using civilian participants in controlled activities; and strengthen laws to deter hooning behaviour by creating additional offences under the Transport Operations (Road Use Management) Act 1995 and the Summary Offences Act 2005.

The bill proposes to amend schedule 2 of the PPRA to provide the QPS greater capacity to apply for a surveillance device warrant or a controlled operation authorisation in certain circumstances. A controlled operation allows QPS officers and others to engage in specific activities that would otherwise be unlawful. The bill proposes that schedule 2 include the following sections from the Criminal Code: distributing intimate images; fraud; obtaining or dealing with identification information; and computer hacking and misuse. These amendments will allow police to use controlled operations and surveillance devices as an investigation strategy to combat cybercrime offending and increase the likelihood of identifying an offender. This is an offence that is increasing and we all need to be vigilant for it. I am sure all of us would have received those emails and texts that the vulnerable in our society click on and respond to. That can cost the victim large sums of money.

The proposed amendments will also provide the QPS with the ability to apply for a surveillance device warrant or a controlled operation when intelligence reveals an offender is not complying with their reporting obligations. The bill proposes to authorise civilian enrolment in a controlled activity in limited circumstances to assist a police officer in a covert operation. Civilian involvement would be limited to ancillary conduct such as conspiring with, enabling or aiding a police officer to engage in controlled activities. These provisions afford protection from criminal liability to the extent that the individual was acting under that authorisation and in accordance with the instructions of the police officer.

To safeguard the civilians, the following will apply: civilian participation is to be authorised by a superintendent; participation is to be limited to ancillary conduct; and participation will only be authorised in circumstances where the authorising officer, having regard to the nature and extent of the authorised controlling activity, believes that authorising the ancillary conduct is appropriate to the circumstances.

At the committee's public hearing the Queensland Law Society advised that the proposed amendment provides an incentive for private citizens to engage in this kind of activity given that it provides protection from criminal liability at the outset. If this helps to secure more arrests then we support it.

The bill proposes to create new offences designed to improve the capacity of police to target hooning events and to mitigate the harm that results from them. These offences will include any of the following: dangerous operation of a vehicle committed on a road or in a public place; careless driving; racing and speed trials on roads; wilfully starting a motor vehicle or driving a motor vehicle in a way that makes unnecessary noise or smoke; or an evasion offence. To strengthen the current hooning offence provision, the bill amends the Summary Offences Act to create a new offence that prohibits a person from: willingly participating in a group activity involving a motor vehicle being used to commit a speed trial, racing, burnout or other hooning offence; organising, promoting or encouraging another person to participate in such an event; and filming, photographing or publishing a film or photograph of a motor vehicle being used in a hooning offence for the purpose of promoting or encouraging a group activity. This sort of activity is becoming all too common and is a danger to both the participants and the general public. I will now move on to the 2023 bill.

The police drug diversion program is legislated under section 379 of the Police Powers and Responsibilities Act 2000. It allows police to offer an eligible person the opportunity to participate in a drug diversion assessment program as an alternative to prosecution. It is only available for minor drug offences. These amendments have been supported by the AMAQ. They have publicly called for an expansion of the police drug diversion program and have taken the position that substance use should be treated as a health issue to address the underlying causes of substance use. The QPS also stated that drug diversion provides an opportunity to connect the users of illicit drugs with information and, most importantly, treatment. This is not only important for the individual and their health but also an opportunity to mitigate the impacts of illicit drug use in the community.

The bill proposes to expand minor drug offences to include: an offence involving possession of not more than the prescribed quantity of a dangerous drug—the relevant quantity of illicit drugs will be prescribed under the Police Powers and Responsibilities Regulation 2012—and an offence involving possession of a thing used for administering, consuming or smoking of a dangerous drug. A 'minor drug offence' does not include the above listed offences if the possession is related to the production, supply or trafficking of a dangerous drug. Drug Free Australia raised concerns that the bill would undermine the deterrent effect of existing laws as potentially it will only be the fourth time a person is caught with drugs that the police are to issue the person with a court notice to appear on possession. This is the part of the legislation that I do have a problem with.

Diversion programs I support, but three free strikes is an admission that the government is losing the fight on drugs. The list of drugs and the quantities allowed are deeply concerning. We are talking about hard drugs such as methamphetamine and Fentanyl. These are drugs that destroy lives; they destroy families. They are a blight on our society. To say that you can have three free strikes before you are given a criminal conviction is something that worries me greatly. We should never give up the fight on drugs, and this is a weakening of our stance on drugs. I have a serious problem with this part of the bill.

Clause 4 of the bill proposes to increase the maximum penalty from 25 years imprisonment to life imprisonment for the unlawful trafficking of dangerous drugs, and I support that. That penalty needs to be increased because that is where it starts. Bear in mind in terms of the people who are receiving three free strikes: the longer you are addicted, the higher the chance that you will move into a life of crime and trafficking that substance. That is my big issue with the three strikes. There should be a focus on rehabilitation. I heard the member for Lockyer speak earlier about education. This can never start too early, and all our efforts should be thrown into it.

Evasion of police officers is another part of this bill. That is increasingly occurring. Unfortunately, our young criminals are increasingly thumbing their noses at law officers, so that measure is to be supported. Most of this bill is fine but the three strikes, I believe, is a step too far and it will do permanent damage instead of good.