




Speech By
Peter Russo
MEMBER FOR TOOHEY

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

 **Mr RUSSO** (Toohey—ALP) (12.22 pm): I rise to be part of the cognate debate, which I support, into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 and the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023. I was interested to listen to the comments by the member for Scenic Rim. He was complaining about the Health Department not being called to give evidence to the committee. I would like to point out to this House and to the member that who is called to give evidence to the committee is commonly referred to as a stakeholder and is done by consultation. It gives members the opportunity to nominate people they feel should give evidence. There was ample opportunity for the Department of Health to be called if the opposition felt they were needed. To say that there was no-one called from the Health Department is incorrect. We had the Queensland Mental Health Commissioner Ivan Frkovic give evidence and my understanding is that he is part of the Health Department.

Firstly I will speak to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022. The changes proposed in this bill deal with issues of community concern in relation to child sex offending, cybercrime and hooning. With these new laws, Queensland will have the toughest laws in the nation when it comes to the monitoring of child sex offenders. This bill will double the periods for the monitoring and reporting of child sex offenders. With this amendment, any predator convicted of a child sex offence will be required to report to and be monitored by police for periods of 10 years, up from five years, and for repeat offenders for periods of 20 years, up from 10 years. The most serious recidivist child sex offenders will be monitored for their entire lives.

Cybercrime is costing victims, both individuals and businesses, over \$7 million a month—a cost that has been growing exponentially since 2019. Queenslanders are being targeted through internet scams and extortion, losing not only their hard-earned money but also their confidence and trust in the ability to use modern technology. The bill expands the list of relevant offences for controlled operations under schedule 2 to include the following offences in the Criminal Code: distributing intimate images, fraud, obtaining or dealing with identification information and computer hacking and misuse. The purpose of these amendments is to provide additional methodologies to police to help combat cybercrime. Cybercrime is a rapidly increasing form of fraud and theft causing significant social and economic impact across the community.

The bill also expands the list of relevant offences for controlled operations under schedule 2 to the following offences in the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004: failure to comply with reporting obligations, false or misleading information and failing to comply with prohibition order. The number of reportable offenders requiring monitoring and management by the QPS is increasing by approximately 150 to 200 each year. The amendments in this bill to include

these additional offences will allow police who receive information and intelligence about reportable offenders not complying with their reporting conditions to apply for a surveillance device warrant to assist them to investigate these concerns.

In relation to hooning, this bill proposes amendments to continue the pursuit of participants in hooning activities and widens the net to target spectators and distributors of online material that seeks to promote hooning. The encouragement of hooning activities through social media and attendance at clandestine events glorifies this antisocial behaviour and fuels its continuation. The proposed amendments seek to specifically target the encouragement of hooning activities by spectators and the recording and promotion of these behaviours by organised groups on social media.

The frustration for authorities lies not only in detecting and identifying the offenders but also in deterring the audience this antisocial behaviour attracts. This is a space where big tech needs to step up and take down social media content—after all, they are the ones making the big bucks. This bill proposes to insert new provisions in the Summary Offences Act prohibiting the encouragement and complicity in hooning offences, including the possession of items for the purpose of committing a type 1 offence—for example, numberplates, spare wheels and hydraulic jacks. The bill also proposes to increase the maximum penalty to 40 penalty units where the circumstance of aggravation of a type 1 vehicle offence is involved.

The Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 creates a new assault offence and increases maximum penalties for evading police. As we all know, and it is repeated many times, the war on drugs has failed. Having practiced in law, mainly criminal defence work, I have always believed that drug abuse was a health issue rather than a criminal law issue. My belief was confirmed after repeated evidence given to the committee. I personally express my gratitude to all the organisations and individuals who gave evidence, either through written submissions or at the public hearing.

The Queensland Mental Health Commissioner referred to the work of the Mental Health Select Committee, specifically the *Inquiry into the opportunities to improve mental health outcomes for Queenslanders* report. Recommendation 13 of the report recommended reviews into illicit drug diversion initiatives, including the police drug diversion program and the illicit drugs court diversion program, to identify opportunities to strength these initiatives. This bill does exactly that: strengthening the processes that divert people who encounter the criminal justice system away from the courts and into the health system.

It was noted by the Queensland Mental Health Commissioner that police play a vital role in shifting the issue from a criminal justice response to a health-based response. I could not agree more. Many years ago, one of my staff introduced me to Johann Hari's work *Chasing the Scream: The First and Last Days of the War on Drugs*. I encourage all those interested in an informed discussion on drug reform to read this great work. For those who are time poor, I recommend they listen to Johann's TED Talk. I am sure it will encourage them to read the book.

The bill will: enhance the police drug diversion program by introducing drug diversion warnings, allowing an eligible person an opportunity to participate in a subsequent drug diversion assessment program and expanding minor drug offences to include the possession of prescribed quantities of any type of dangerous drug and certain pharmaceuticals; allow for the appointment of a person as an executive officer rather than to an executive officer position; introduce a circumstance of aggravation for evading police; and make minor changes to legislation administered by QFES.

The expanded police drug diversion program proposed by the Queensland Police Service and established by the bill will prevent people developing a substance abuse disorder. The statistics clearly show that the police drug diversion program results in the majority of those individuals never again having contact with the police. The Queensland Police Service estimates that more than 17,000 minor drug offenders will be eligible for the new drug diversion program in the first year of its implementation. At the public briefing on this bill, Mr Mark Wheeler, Acting Deputy Commissioner, Regional Operations, Queensland Police Service, stated—

Drug diversion provides an opportunity to connect the users of illicit drugs with information and, most importantly, treatment. That is not only important for the individual and their health; it is also an opportunity to mitigate the impacts of illicit drug use on the community.

Drug diversion is not a new concept in Queensland. Queensland police have been diverting people for cannabis possession for over 20 years. We know that the program is effective. We know that the current policing drug diversion program has diverted more than 158,000 people from the criminal justice system and into a health intervention since the program began in 2001. The most recent analysis of drug crime recidivism among drug diversion recipients shows that 72 per cent of those who completed drug diversion did not reoffend for a drug related offence during the four-year evaluation period.

I commend the bills to the House.