




Speech By
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MEMBER FOR NOOSA

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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**

 **Ms BOLTON** (Noosa—Ind) (12.14 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 that make several amendments to deliver operational and administrative improvements to the Queensland Police Service and the Queensland Fire and Emergency Services. The most significant change, and the one I will focus on, is expanding the use of the drug diversion program for minor drug offences to drugs other than cannabis.

While most submitters were supportive, there were concerns. The Queensland Human Rights Commission raised issues about the eligibility test for drug diversion—that is, that police reasonably believe the drugs are for personal use—as this is inherently subjective and open to unequal application. The department felt that the discretion was necessary to target the program towards only minor drug offences relating to personal use. In addition, the commission felt that youth could be treated more harshly than adults in a similar situation, breaching the Human Rights Act. The fact that the Youth Justice Act provides further options for under-18s to avoid being treated worse than adults did not provide the reassurance sought. In deep opposition was Drug Free Australia, which submitted that these new laws will have the effect of negating or undermining the deterrent effect of the law regarding illicit drug use and supports an approach based on education, rehabilitation and maintenance of criminal sanctions. I have also been advocating for an expanded healthy relationships or respectful relationships program and this gives us the opportunity to really target our relationship with self and should be considered.

Our Legal Affairs and Safety Committee made a number of recommendations including reviewing and updating training for police for the diversion program, with a focus on ensuring the exercise of police discretion is not prejudicial against under-18s. The AMA submitted that any savings realised by criminal justice agencies through the expanded program should be directed to more alcohol and other drug treatments and interventions. Modelling of the revised program anticipated that Queensland Health will be able to fund services through existing resources and an independent evaluation will be provided to government after two years of the program's operation. Our committee also recommended that the government report to the Legislative Assembly on this evaluation and understandably, given the shortfalls in funding in a number of arenas in our health sector, this must include what has been spent and where and the success of how many have been diverted from their addictions.

The other bill that I want to speak on enhances the capacity of the Queensland Police Service to monitor reportable offenders under the Child Protection Act, investigate organised crime and cybercrime and address the dangers to Queensland road users caused by hooning. This is welcomed by many communities, including my own. The amendments relating to reportable offenders will adjust the reporting periods from five and 10 years and life based on the number and classes of offences

committed to 10 and 20 years and life. This should bring Queensland periods into line with other states. However, I questioned whether this bill provided opportunity for the consideration of whether publishing a public register of reportable sex offenders would deliver greater community safety.

In 2018 the Commonwealth government announced public consultation on a preliminary model for a national public register of child sex offenders and had discussions with the Queensland government through 2019 and 2020, yet nothing appears to have come of it. Given that this is often chamber fodder here, this should at least be inquired into. The government has argued that there is insufficient empirical evidence of the effectiveness of a public register, but surely this research should be presented to Queenslanders with public engagement as a priority. In our annual Noosa MP community survey, 65 per cent support a public sex offender register and the public deserves engagement on the pros and cons of such a proposal.

With regard to hooning, despite the strong measures being used by police, including vehicle impoundment and confiscation, hooning is a persistent problem and is exacerbated by removing or swapping numberplates. On Noosa North Shore they even cover their numberplates to avoid the numberplate recognition cameras.

The bill creates new offences, and I will not go through them, including for those who are actively promoting or encouraging another person to participate in hooning. The Justice Reform Initiative submitted that these new laws would draw more people into the justice system. They argued that the government should, rather than criminalising more behaviour, review existing responses that aim to address the reasons for hooning. There is agreeance here. It does need to be part of the prevention mix and why programs such as RYDA that I have spoken about before should be mandatory in schools. I agree with the Queensland Police Service that with the high cost of road trauma in Queensland and that hooning remains a persistent problem with the emergence of highly organised hoon groups, the offences in the bill are warranted. However, we also need resources. It is one thing to make amendments to increase fines, but without the resources to monitor and enforce them we will end up in the same situation.

I see the parallels that are raised with youth justice and hooning. We know it is not a solution to lock up under-18s because it does create further criminalisation. However, we need to immediately mitigate the trauma being inflicted across our communities regardless of the age of the offender. At the same time, we must work on early identification—and I know I keep bringing this up—and the prevention of criminal behaviours and that is why I will keep advocating for an expansion of Respectful Relationships into our schools. It needs to be holistic. It needs to be the whole of the schooling life. We also need restorative justice available across the state.

In our recent Legal Affairs and Safety Committee inquiry into the support of victims of crime we heard conferencing must be prioritised to address the backlog. In addition, there needs to be more options in the criminal justice system for rehabilitation, including supporting relocation sentencing that the Katter's Australian Party has put forward, which there was very little support for, to develop life skills, respect and responsibilities to others and self away from where they can do harm. We also need to look at the terminology used in our criminal system, as referring to a 16- or 17-year-old offender as a child is confusing for our communities who identify a child as being 12 or under.

In the most recent Noosa MP survey, over 75 per cent listed youth crime as their No. 1 concern, with over 70 per cent in favour of on-country relocation sentencing rather than imprisonment. As I have relayed here before, given the 2018 Atkinson report on youth justice found the cost of holding a juvenile in detention is \$1,500—or more now—per day, it should not be hard to fund such options. There may even be enough to contribute to that mandatory whole-of-school-life program I spoke of earlier. Finally, I would like to thank both chairs and members of those committees and their secretariats, including, of course, my own Legal Affairs and Safety Committee, and all who contributed to these inquiries.