




Speech By
Dale Last

MEMBER FOR BURDEKIN

Record of Proceedings, 21 May 2024

POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL; CORRECTIVE SERVICES (PROMOTING SAFETY) AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LAST** (Burdekin—LNP) (11.42 am): I rise to speak to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2024 and the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 cognate debate. I will speak to each bill separately. I say at the outset that, whilst the LNP opposition will not be opposing these two bills, we will be highlighting several serious issues and concerns around this legislation that we are debating today.

The Police Powers and Responsibilities and Other Legislation Amendment Bill 2024 was introduced on 21 March by the Minister for Fire and Disaster Recovery and Minister for Corrective Services. The bill was referred to the Community Support and Services Committee, which tabled its report on 10 May 2024. The bill proposes amendments to seven acts, namely: the Child Protection (Offender Reporting and Offender Prohibition Order) Act; the Crime and Corruption Act; the Mental Health Act; the Police Powers and Responsibilities Act; the Public Health Act, the Summary Offences Act; and the Terrorism (Preventative Detention) Act 2005.

This bill seeks to achieve the following key objectives: to make the necessary amendments to ensure that trans and gender diverse people receive the same protections as other Queenslanders; and to achieve operational improvements in legislation administered by the Queensland Police Service, the Department of Justice and Attorney-General and Queensland Health. Whilst at face value the key objectives are clear and logical, the committee process highlighted concerns surrounding this bill in three of its four recommendations, the other being that the bill be passed. The committee called for guidance from the Queensland Police Service in regard to the implementation of the reforms proposed, called for the minister to further clarify circumstances in which it is not reasonably practicable to accommodate a preference for the gender of a searching officer and also for Queensland Corrective Services to undertake what they call a proactive recruitment campaign to address 'the current shortage of qualified psychologists'.

It is almost unheard of that a parliamentary committee needs to bring to the attention of a minister the impacts that staff shortages are having on their department—let alone the risk that those shortages pose to the public, to staff, to other prisoners and to the prisoners themselves—but it is here in the committee report and, frankly, it is something that the minister must commit to addressing as a matter of urgency. We know there are chronic shortages of psychologists in our communities. This will be no easy task to address.

Again, this bill highlights this government's arrogance. In my time as a police officer, conducting searches of offenders and prisoners was never an enjoyable task. As Ian Leavers of the Queensland Police Union of Employees told the committee, searches are 'one of the most horrible things that you have to do in the course of your duty'. Yes, they are invasive. Yes, they can be upsetting both for the

person being searched and for the person conducting the search, but they are necessary. They are necessary for the welfare and health of the persons being searched and necessary for the officers conducting the searches.

Those watch houses, correctional facilities and health facilities are spread across the state—from large facilities with literally hundreds of staff to remote facilities where there may be only one staff member rostered or in some cases only one member in total. Currently, the requirements are for a person of the same gender to carry out an invasive search. Those of us on this side of the House recognise what the Queensland Police Union of Employees called the 'legal grey area' surrounding the concept of an 'improper purpose' which the person who is the subject of a search could use to delay or even prevent the search or to cause embarrassment or offence. It is all well and good to talk about a person being about to exercise discretion to conduct a search where a person of the preferred gender is not available or where there are ulterior motives at play.

In the Burdekin electorate, for example, I have several one-officer stations, staffed both by males and females, where the nearest officer of the opposite gender is some 45 minutes away. I have two- and three-officer stations staffed exclusively by male officers and, again, the nearest female officer is at least 45 minutes to an hour away. Like the committee, I call on the minister to provide clarity and, just as importantly, to ensure there are the necessary protections in place to protect people who are unable to accommodate a person's wishes for legitimate reasons. Furthermore, our police officers need assurances that, where they make a decision and have done the right thing, they will have the full backing of the minister and of the government of the day.

Whilst those on this side of the House have no objections whatsoever to amendments relating to the viewing or recording of searches, we do have concerns relating to clinical settings. Once again, we have seen this government's ideology replace genuine consultation with people directly affected by the pursuit of that ideology. It is quite simply beyond insulting that stakeholders were not adequately consulted on amendments to the Mental Health Act and the Public Health Act, a fact proven by the need for further consultation during the implementation period.

By debating these bills in cognate, we again see this government deny us the opportunity to speak in great detail about these bills. I will touch briefly on a few remaining elements. As I mentioned earlier, this bill confirms this government's failure to attract and retain staff in crucial government departments. I note the explanatory notes refer to 'timely decisions' when the reality is that it is the failure that necessitates the need for the expansion of the list of professionals who can provide assessments of prisoners. I also note the government's amendment to effectively reduce public consultation with regard to corrective services infrastructure, a practice we are seeing more and more frequently.

I also touch briefly on the changes to the Corrective Services Act relating to restricting prisoners from reapplying for parole. Whilst previously being a member of the Parole Board—and I can tell members that it is not an easy job—for some prisoners repetitive parole applications are a game where they have nothing to lose. It is a game that ties up resources unnecessarily, especially when the prisoner knows full well that their prospects are limited due to their actions or inaction. For that reason, I welcome empowering the Parole Board to instruct a prisoner to not reapply for a prescribed period. Let's not forget for one minute the impact that these applications have on the victims and on the families of victims throughout Queensland.

The Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024 was introduced on 13 February by the Minister for Fire and Disaster Recovery and Minister for Corrective Services. That bill seeks to achieve the following objectives: to enhance the legislative framework for the Queensland Corrective Services Victims Register to promote the safety and wellbeing of victims engaging with the service; to require representation for victims on the Parole Board; to strengthen powers to respond to abuse of prisoner communication channels; to enable the use of certain police powers for reportable child sex offenders being supervised under the Dangerous Prisoners (Sexual Offenders) Act 2003; to increase the penalty for possession of a gel blaster on corrective services land; to protect the use of victim and intelligence information to support effective decision-making; to clarify the authority for corrective services officers to use body worn cameras while in the community; to provide greater flexibility for prescribing protections and requirements around searches; to update legislative requirements to support the independence, diversity and efficient administration of the Parole Board; to enable Queensland Corrective Services to lawfully detain prisoners from Norfolk Island; and to address a number of minor and technical issues.

Let's start from the beginning. The government gave 12 business days—yet another example of this government's arrogance and contempt for parliamentary process—for submissions to be made to the committee. It gave 12 days for victims of crime throughout this state to make a submission on a bill

that the minister said in her explanatory speech 'puts victims' voices first'. Again, the opportunity for Queenslanders to contribute to important legislation has been restricted by this government. The difference this time is that many of those whose voices need to be heard are victims of the most heinous crimes, and I will have more to say on that later in my contribution.

The committee process itself highlighted concerns surrounding this bill in three of its four recommendations—the other being that the bill be passed. The opposition want to put on the record our concerns with regard to the committee's third recommendation. It is vitally important that when dealing with matters like these discretion is used when deciding to release information relating to a Parole Board decision. What all members must be aware of again is that these matters involve victims. Here we have a bill with an objective to enhance the safety and wellbeing of victims, yet there are questions relating to the release of information used by the Parole Board. If not handled correctly, this is information that could directly harm or create the opportunity for another person to do harm to a victim or their family. I call on all members to carefully consider the committee's recommendation.

As we saw in the bill being debated cognately with this one, there are amendments to the requirements surrounding searches and, as with the other bill, we are seeing the continuation of this government's ideological crusade regarding gender. In addition to that crusade, the amendments in this bill also, once again, move requirements to regulation rather than legislation and, again, those regulations are yet to be seen.

I will touch briefly on some of the other amendments contained in this particular bill before speaking on what I believe are the amendments of most importance. Thanks to this government's actions, the opportunity to properly debate these bills is once again restricted.

Queenslanders find offences committed by child sex offenders some of the most heinous. This is the reason for the outrage expressed by Queenslanders when this government failed to ensure the security of the Wacol facility and it is the same reason that Queenslanders would agree wholeheartedly with enabling police powers in relation to reportable child sex offenders subjected to post-sentence supervision.

Every member on this side of the House supports the men and women who work in our correctional centres. This government's track record shows overcrowded centres and increases in assaults on staff and, while the former minister supplied second-hand body worn cameras to staff, we welcome the use of these cameras as and where necessary to increase security for staff members.

I will move on to the amendments relating to victims of crime. The effects of crime on victims do not end when an offender is charged or sentenced. For some, the effects are lifelong. The prospect of a victim being contacted by an offender, let alone a prisoner, is an abhorrent thought and, for that reason, we welcome the changes to the abuse of prisoner communications.

As the Queensland Homicide Victims' Support Group said in their submission, enhancements to the victims register and communications require attention. As I mentioned previously, the effects of crime can be lifelong. It is for that reason that we support the streamlining of the registration process for the victims register and the extension of eligibility criteria. We also welcome enhancements allowing victims to engage in the parole process using telecommunications or voice recordings as we believe this provides an opportunity to reduce the trauma of this process for victims.

Ensuring the Parole Board is appropriately diverse, including with regard to cultural backgrounds and relevant qualifications, will ensure the board is effective and ensure the best outcomes. Let me be very clear: the rights of victims must always come first. Sadly, victims are clearly not this government's priority. It is now more than 2,700 days—let me repeat that figure: 2,700 days—since the Queensland parole system review recommended a victims' representative be added to the Parole Board. The vast majority of Queenslanders support this recommendation and, while the Prisoners' Legal Service may oppose it, the fact is that this government supported the recommendation in its response. For the benefit of the House, I table page 233 of the final report of the review and the relevant page of the government's response.

Tabled paper: Extract from Queensland Parole System Review report, dated November 2016, titled 'Final Report' [817](#).

Since then, almost 30,000 charges have been laid for murder, for grievous assault and for rape and attempted rape. That is tens of thousands of victims directly affected by the most serious crimes—crimes that, in most cases, will result in applications for parole. This government has refused to give those victims or any victim a voice for almost seven long years—but it gets worse.

Mr Ryan: It's not true. I put Brett Thompson on the Parole Board.

Mr LAST: Not only did this government take seven years to give victims a voice; the responsible minister either did not care or simply did not prioritise it.

Mr Ryan: I put him on the Parole Board!

Mr LAST: I table the response—because I note that the minister is having a bit to say here today—

Mr Ryan: Because you're telling lies.

Mr LAST: I table the response to question No. 8 of the estimates pre-hearing questions on notice relating to the Queensland parole system review.

Tabled paper: Answer to Legal Affairs and Safety Committee Estimates Pre-Hearing question on notice No. 8, undated, asked of the Minister for Police and Corrective Services and Minister for Fire and Emergency Services [818](#).

As shown in the response, the minister advised that 'all 89 recommendations supported or supported in principle have been completed or closed'. Yet as the committee report shows, a consultation draft of the amendments was distributed in December 2023—seven years after the recommendation and more than two years after the minister said the process was complete or closed. I will be writing to the Speaker with regard to these matters as it is imperative that Queenslanders understand that this government's statements surrounding the importance of victims are nothing more than empty words.

The LNP, as I stated initially, will not be opposing these bills for a simple reason—that is, we support Queenslanders. We support victims of crime. We support the Queenslanders who work as our police officers and in our correctional system. It is our support of those Queenslanders that has led to raising our concerns relating to these bills. Those Queenslanders should be our priority. Instead, we have a government that is on an ideological crusade. That crusade is their priority, not Queenslanders. Important aspects of these bills have been overlooked due to this government having the wrong priorities.

As more and more Queenslanders know, this government's failures have led to more crime, to greater demands on already stretched resources and, ultimately, to more victims. A voice for victims has been ignored by this government for seven years. The reality of life for police in regional Queensland has been ignored by this government. It is time for this crusade to end and for a government that is focused on keeping Queenslanders safe. Queenslanders will have an opportunity later this year to elect a government that will do just that—a government that will be focused on their safety.