




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 21 May 2024

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

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Community Safety) (11.58 am):
Mr Deputy Speaker, I will start by withdrawing the unparliamentary language.

Mr DEPUTY SPEAKER (Mr Martin): Thank you, Minister.

Mr RYAN: I also start by responding to the member's statement. I look forward to the member issuing an apology to Brett Thompson, the CEO of the Homicide Victims' Support Group, who has been a member of the Parole Board. The member is suggesting that Brett Thompson, the CEO of the Homicide Victims' Support Group, has not stood up for victims in his role as a member of the Parole Board. That is an outrageous insult to Brett Thompson. That is an outrageous insult to other members of the Parole Board who are victims of crime. The member for Burdekin has just said that they do not represent victims, that they have not brought a victims' perspective to the Parole Board. What an outrageous insult from the member for Burdekin. He owes each and every one of them an individual apology, starting with Brett Thompson, the CEO of the Homicide Victims' Support Group. He was put on the Parole Board to be a representative, a voice for victims.

I rise to speak in support of the cognate debate in relation to the Police Powers and Responsibilities and Other Legislation Amendment Bill and the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill. On 14 June 2023 this parliament passed the Births, Deaths and Marriages Registration Act 2023 in a monumental move to make sure that every Queenslanders' legal identity can be matched with their lived identity. The Police Powers and Responsibilities and Other Legislation Amendment Bill 2024 delivers on this government's commitment to ensure that the core principles of the new Births, Deaths and Marriages Registration Act are reflected across the statute book in recognition of the true diversity of our Queensland community.

Through this bill the Miles government is modernising safeguards for the conduct of personal searches, inspections of a person's belongings and some forensic procedures to better recognise and promote the rights of trans and gender-diverse Queenslanders. The primary objective of this bill is to ensure that all Queenslanders are equally recognised by the law and afforded the same rights and protections without making specific reference to gendered language unless absolutely necessary. The amendments in the bill will enable our hardworking frontline officers to deliver even better services to trans and gender-diverse people when conducting personal searches, inspections and forensic procedures.

On 10 May 2024 the Community Support and Services Committee tabled its report on its examination of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2024. I thank the committee for its timely consideration and support of the bill and extend my thanks to those

organisations that made submissions and gave evidence before the committee. The committee made four recommendations, including that the bill be passed. I now table the government's response to the committee's report.

Tabled paper: Community Support and Services Committee: Report No. 43, 57th Parliament—Police Powers and Responsibilities and Other Legislation Amendment Bill 2024, government response [819](#).

The government's response supports or supports in principle all of the committee's recommendations. Recommendation 2 is that the Queensland Police Service conducts appropriate training of officers and support staff who focus on diversity and intersection of LGBTIQ+ individuals encountering the criminal justice system as part of the implementation of the reforms proposed in the bill. The government supports this recommendation.

The QPS recognises people of diverse genders, diverse sexualities and innate variations of sex characteristics. Each person has unique and distinct needs with diverse experiences and backgrounds. Every interaction between QPS members and people from LGBTIQ+ communities, whether in casual conversation or as a victim, witness or offender, is an opportunity to build relationships and strengthen trust. The amendments in the bill will support the service's continued dedication to delivering a professional, non-discriminatory and accessible policing service to diverse communities. The Queensland Police Service will review the existing training provided to members about conducting searches and policing for LGBTIQ+ communities. This training will be updated to ensure frontline members understand the new provisions and how to apply them.

Recommendation 3 is that further clarification be provided of when it may not be reasonably practicable to accommodate a person's preference in the conduct of personal searches. The government supports this recommendation. I will talk more about this shortly, but the government will provide further legislative clarity to implement this recommendation.

As touched on earlier, I would like to foreshadow amendments to the bill which I will move during consideration in detail. I understand that the amendments, explanatory notes and statement of compatibility with human rights have now also been circulated. The amendments respond to the feedback of stakeholders and the committee to provide more guidance for the terms 'reasonably practicable' and 'improper purpose' throughout the bill. These amendments are intended to provide clarity to the community and public officials on the policy intent of the provisions.

We heard that some stakeholders required further clarity in relation to the use of the term 'reasonably practicable'. Let me be clear: the government has no intention to reduce search protections for anyone. It is the government's clear intention that it is expected that it will be reasonably practicable to accommodate a genuine preference expressed in terms of a preference for a man or a woman. In other cases, the availability of a suitable person may be a determining factor. There are many reasonable steps that may be taken and the search may be delayed until an appropriate officer is available. This includes calling another police officer from another police station to attend the scene to conduct the search if required.

The provision already provides that a police officer may direct another person who is not a police officer to conduct a search if necessary. This could be a helper such as a health professional or a trusted community member; therefore, it is unlikely that it would not be reasonably practicable to find a man or a woman officer—or to direct another person who is a man or a woman—to help conduct a search. For some gender-diverse people there may not be any officer of the same gender. This means there may be occasions where the requirement cannot reasonably apply.

The safety and dignity of every person involved in the conduct of a personal search or inspection of a person's belongings, including our frontline officers, is of the utmost priority. The amendments I will move provide more guidance for this position. The amendments state very clearly that for men and women who do not express a preference there will be no change in how the safeguard applies. They will continue to be searched by a person of the same gender.

We also heard that some stakeholders considered that the term 'improper purpose' required more guidance. The use of the term is important. It allows frontline officers to protect the Queensland community while ensuring the rights and safety of individual officers are also protected in the course of their duties. I thank the stakeholders who acknowledged the importance of this provision to keep our hardworking public servants safe.

To aid in interpreting the term, the amendments I will move provide clarity on what is considered an improper purpose. Several clear purposes will be included in a note to the provision. These are where the purpose expressed is a lewd or otherwise offensive purpose and/or an attempt to frustrate the process. In addition to the clarity provided by these amendments, the Queensland Police Service will develop clear guidance to its members through operational training policies and training materials about all of the new provisions.

The Miles government is proud to present a bill which supports the delivery of safe, fair and inclusive policing services that are accessible to all Queenslanders. This bill will ensure that our services are in line with modern values and reflect the true diversity of our community. Everyone deserves to receive equal protection under the law. The changes ensure that Queenslanders continue to enjoy the most stringent search safeguard provisions in Australia and will provide the broadest protections to LGBTIQ+ people in Queensland.

Before concluding, I want to touch on some of the amendments to the Corrective Services Act. Currently, only prisoners serving a life sentence can be restricted from reapplying for parole for up to three years after having an application refused. Amendments in the bill extend the maximum period that Parole Board Queensland may decide to restrict the prisoner from reapplying for parole after refusal: from three years to five years for life prisoners; from six months to three years for prisoners sentenced to 10 years or more; and from six months to 12 months for all other prisoners. The board may also have regard to the likely effect the prisoner making a subsequent parole application will have on a victim or whether delaying a prisoner from reapplying for parole is in the public interest.

On this point, I want to particularly acknowledge the Allison Baden-Clay Foundation and the Queensland Homicide Victims' Support Group for their advocacy for these changes when I was the corrective services minister. These amendments are a credit to them and their advocacy and will ensure that many victims into the future will be protected from the retraumatisation associated with constant applications from prisoners. I thank the Queensland Police Service Legislation Branch and Queensland Parliamentary Counsel. I commend the bill and encourage all members to support it.