




Speech By
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MEMBER FOR TOOHEY

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QUEENSLAND COMMUNITY SAFETY BILL

 **Mr RUSSO** (Toohey—ALP) (3.47 pm): I rise to speak to the Queensland Community Safety Bill 2024. The Community Safety and Legal Affairs Committee tabled its report No. 15 of the 57th Parliament in this Assembly on 2 August 2024. The Hon. Mark Ryan MP, Minister for Police and Community Safety, introduced the Queensland Community Safety Bill into the Queensland parliament on 1 May 2024. In his speech he said—

Today I will introduce into the parliament a comprehensive set of new community safety laws. It is part of our comprehensive plan—a plan built on a considered and effective approach to enhancing community safety. The Community Safety Plan for Queensland delivers more police, more resources, more interventions, more preventions, more victim supports and more new and strong laws. It is a plan backed by the evidence. It is a plan focused on five key pillars: supporting victims; delivering for our front line; detaining offenders to protect the community; intervening early; and preventing crime before it occurs. This plan unlocks \$1.28 billion in additional investment from the government.

The bill was then referred to the Community Safety and Legal Affairs Committee for detailed consideration. The primary objective of the bill is to implement law enforcement and crime prevention strategies and interventions over various statutes to enhance community safety. Stakeholders and subscribers were invited to make written submissions on the bill, and the committee received 250 submissions including six form submissions from 44 submitters. The committee received a written briefing on 13 May 2024 and the public briefing on 24 May 2024 from the Queensland Police Service in conjunction with Department of Youth Justice, the Department of Justice and Attorney-General and the Department of Transport and Main Roads.

On 24 May 2024, the first public hearing and briefing were held in Brisbane to speak with stakeholders and departmental representatives. Along with the extension of the reporting date, as approved by the Committee of the Legislative Assembly, the committee held a second public hearing with invited stakeholders and a public briefing with departmental representatives on 10 June 2024.

The key issues raised during the committee's examination of the bill included the following: the impact of amendments to youth justice principle 18 on the levels of children currently in detention in Queensland; the criteria to be satisfied for the issuance of a firearm protection order and the breadth of search powers given to police officers in respect of compliance with firearm protection orders; the impacts of the changes to knife-related offences to persons who carry knives lawfully for employment reasons; the licensing implications on both individuals and weapons dealers due to changes in the 'fit and proper person' test in the Weapons Act 1990 Queensland; the availability of online licence verification systems for sellers of small arms ammunition in regional and remote areas; clarification on the offending intended to be targeted by the amended spectator offence for hooning activities; the effectiveness of the current Jack's Law handheld scanning trial; the evidence supporting expansion of electronic monitoring of children on bail; the 'glorification' prerequisite for online content offences and the new online content removal scheme; the safeguards in place for the recording of phone calls from youth detention centres; and informed consent in the context of electronic service of documents.

I would now like to deal with some of the youth justice reforms and clarifications of amendments in the bill. The proposed amendments change the way the Human Rights Commissioner is referred to in the bill, for consistency with other oversight entities. The amendments also insert a consideration for a particular decision in relation to transfers of youth detention detainees over 18 years of age to adult custody. This consideration—the security or good order of the detention centre—was fundamental.

The committee noted the position of several submitters that the amendments to principle 18 have the effect, in the submitters' view, of removing the principle of detention as a last resort in its entirety. Whether it is clarifying the law or changing the law, there appears to be agreement that the effect of the amendment may allow for detention to be ordered in circumstances other than where there are no other reasonable options available.

It is noted that the department stated that this was a clarifying provision and therefore the statement of compatibility did not contain an assessment of the amendments for consistency with human rights. Given the contentious issues raised by the amendments, the committee is of the view that submitters would have benefitted from the statement of compatibility containing a more comprehensive explanation of the limitations on the rights of the child impacted by these amendments as opposed to a blanket statement that the amendments were a 'clarifying provision' and did not invoke the requirement to consider the human rights implications.

The bill proposes various amendments to legislation to respond to recent incidents of knife related crime and heightened community awareness of such crimes. Since 2021, police officers have been granted temporary powers to use handheld scanners without a warrant in designated safe night precincts to detect unlawfully possessed knives. The introduction of Jack's Law in 2023 extended this temporary power to 30 April 2025 and expanded the scope of the scanning provisions to include public transport stations and vehicles.

The committee acknowledges the concerns of submitters in respect of the ability for police officers to select individuals for scanning in expanded locations for an extended period of time. The committee is particularly aware of the concerns raised surrounding the risk of abuse of powers and unconscious bias, as well as the impacts on ongoing relations between the Police Service and those from diverse cultural groups and Aboriginal and Torres Strait Islander peoples. In that regard, the committee notes the information provided by the Police Commissioner that concerns in respect of the implementation of the trial have been addressed with officers in various forms of training.

The committee is satisfied that, having regard to the policy objectives of the expansion of the trial and the application of safeguards in the Police Powers and Responsibilities Act concerning where and how scanning is to be carried out, and the training, the limitations imposed on human rights by the expansion of the handheld scanning trial proposed by the bill are reasonable and justifiable. The committee is satisfied that the bill gives sufficient regard to the rights and liberties of individuals and the institution of parliament. The committee recommended the bill be passed.

In concluding my contribution, I take the opportunity to speak about some of the proposed amendments to the Queensland Community Safety Bill which are to be moved during consideration in detail and to add my support to the passing of the proposed amendments. There is further explanation in relation to the Explosives Act, the Weapons Act and also further technical amendments to the Police Powers and Responsibilities Act. There are also amendments to the clarification of meaning of terms used in the existing search powers framework. There are also further amendments to be moved in consideration in detail in relation to the use of body worn cameras which we have heard the minister speak about. There are amendments to the expansion of protective services officers' jurisdiction and clarification of amendments in the bill that were also spoken about in relation to intimate personal relationships or informal care relationships with other parties. I commend the bill to the House.