




Speech By  
**Stephen Bennett**

**MEMBER FOR BURNETT**

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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 BENNETT** (Burnett—LNP) (12.21 pm): In contributing to this cognate debate, I will focus on the Police Powers and Responsibilities and Other Legislation Amendment Bill. It is noted that the underlying purpose of the bill is to recognise trans and gender diverse Queenslanders and provide a legislative framework which allows police and watch house officers powers to conduct searches of citizens in particular circumstances, whilst ensuring the searched individual's dignity is preserved to the greatest extent. The committee made four recommendations: that the bill be passed; that the QPS provides appropriate guidance in regard to the implementation of the reforms proposed by the bill; that the Minister for Police and Community Safety provide clarification of when it is not 'reasonably practicable' to accommodate a preference for the gender of the searching officers; and that Queensland Corrective Services undertake a proactive recruitment campaign. That has been spoken about already today.

Similar provisions are proposed for other individuals also granted the power to search. The principles expressed in the Births, Deaths and Marriages Registration Act are proposed to be reflected in this bill. This is an enabling bill to allow that, and I put on record that we voted against that particular piece of legislation. The definition of 'gender' and 'sex' has changed to reflect the diversity in our community, and many submitters to the committee were supportive of the law moving to a place that better reflects the diversity in our community.

The committee deliberations did raise some issues around protections of particularly police officers, and I questioned those protections. The bill will allow police and watch house officers to disregard a detainee's preference about the gender of the searching officer if the officer reasonably believes the preference is expressed for an improper purpose. Several submitters were concerned about the expression 'improper purpose' if it is not defined in the act. There were recommendations that there should be a definition consistent with the explanatory notes. I do note the minister has tabled amendments to that particular clause and that will go a long way to supporting all the stakeholders who provided information, including the Queensland Police Union and the Law Society. It was noted that the definition should include examples of what is an 'improper purpose'. For example, the Police Union recommended—

... the expression 'improper purpose' include (a) a purpose designed to frustrate, prevent or unreasonably delay a search; and (b) a purpose to cause embarrassment or offence to an officer.

I think it is only reasonable that those protections be enforced. I note the Queensland Law Society also expressed concerns with the definition.

In addressing the issue of 'reasonably practicable', an officer retains a limited discretion about who may exercise the power to search as a result of the exemption provisions that enable, for example, the power to be exercised in certain situations where an officer of the person's preferred gender may

not be available or an urgent nature of a situation warrants immediate action. According to the QPS, the 'reasonably practicable' qualifier is necessary for the following reasons: there are a wide range of genders and there may not always be an officer of the same gender as the person, and a person may have a different gender identity to someone else who uses the same word to describe it. The proposed legislation is introduced, I believe, with respect and dignity as its focus. I acknowledge my contribution has focused on the Queensland Police Service's role in keeping our community safe.

This legislation brings with it renewed calls for appropriate police resourcing and now requires further changes to the operational nature of policing. I will reference comments made to the committee in relation to policing—

Overwhelmingly police feel that they are responsible for a number of complex issues inside the community, often without increased resourcing, plans or equipment to meet the expectations of the community. When proceeding with this legislation the Committee must consider these factors and make recommendations that can give our members the certainty that their previously good conduct in this space will continue to be recognised and will be enhanced, not further complicated by this process.

The proposed amendments that the bill makes to the Corrective Services Act as it relates to a prisoner's ability to reapply for parole after a previous application has been refused also reflect elements of community safety. The bill will amend the act to extend the period before a new application can occur to the following: five years for a person sentenced to a term of life imprisonment; three years for a person sentenced to a term of imprisonment of 10 years or more; and 12 months for a person serving a term of imprisonment which is less than 10 years and is not a term of life imprisonment.

The committee received submissions from the legal fraternity highlighting concerns, including the following: that Queensland prisons are experiencing ongoing issues with prison overcrowding, noting that delaying the time frame to reapply, and potentially be granted, parole will increase the amount of time people spend in custody, and noting that prison overcrowding has a disproportionately detrimental impact on prisoners; that First Nations people are overrepresented in the criminal justice system; and that there are significant delays in the availability of programs for prisoners which are required to be completed before a prisoner will be able to successfully apply for parole, which will only be further exacerbated if prisoners are incarcerated for longer due to being ineligible to reapply for parole.

The committee acknowledged stakeholder views that the parole system provides particular challenges to certain groups, including First Nations people, people with disability and those who have trouble with literacy and numeracy. The committee believes, on balance, that the proposed amendments that would allow the board to determine a longer period before the prisoner can reapply are reasonable and supported. I thank all of the committee for the work we did on this. I commend the bill to the House.