




Speech By
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MEMBER FOR MAIWAR

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**POLICE POWERS AND RESPONSIBILITIES (MAKING JACK'S LAW
PERMANENT) AND OTHER LEGISLATION AMENDMENT BILL; CORRECTIVE
SERVICES (PAROLE BOARD) AMENDMENT BILL**

 **Mr BERKMAN** (Maiwar—Grn) (3.58 pm): I rise to speak on this cognate debate. I will focus my comments first of all on the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill. The consequences of knife crime are absolutely devastating. I will begin by expressing my heartfelt sympathies for all those families and communities that have been impacted by knife violence. In particular, I want to note my thoughts are with Belinda and Brett Beasley and once again thank Belinda for her having taken the time to appear before the committee on this bill.

Preventing knife crime is a commendable objective. My problem with this bill is that there is no compelling evidence that it will actually achieve that objective. What we do know is that the expansion of arbitrary search powers in public places will give rise to discriminatory policing and profiling, an increased likelihood of negative interactions between the public and police and increased feelings of mistrust within the community.

The bill represents a significant expansion of police powers, allowing for warrantless and suspicionless searches of persons in all public places. Police will be able to exercise the wandering powers without consideration of whether the limitation on people's rights is justified at all those places that were previously covered by the powers. That includes shopping centres, public transport stations and vehicles, safe night precincts and sporting venues. On top of that, the powers will be available for use in all other public places subject to a prior authorisation process—one that notionally takes account of whether the use of powers is likely to be effective at detecting or deterring knife related crimes. I say 'notionally'. I note that this parliament has already accepted the flawed assumption that these powers do anything meaningful to prevent unlawful possession and use of a knife. Police officers, in deciding on these authorisations, will only perpetuate that flawed assumption. Safeguards have not only been eroded in relation to deciding when and where wandering will take place but also police will no longer be required to provide a written information notice explaining the powers and confirming that you are required to comply. If a person is unable to understand what is happening in those circumstances, they are at an increased risk of being charged with ancillary charges such as obstructing police. If written appropriately, the information notice is a hugely important safeguard, especially, for example, for people with cognitive disability and for children who are disproportionately subject to wandering searches.

We cannot simply gloss over the extent to which these laws will increase police interactions with the general public, as confirmed by Deputy Commissioner Kelly during committee hearings. It is a hugely significant increase in police interactions. The logic underlying these powers, whether made explicit or not, is that people existing in public are to be regarded as inherently suspect. This presumption treats our friends, our family, our neighbours and the wider community as a threat rather than as participants in a shared civic space. It normalises the infringement of civil liberties and fosters a culture of suspicion, both between individuals and between the population and our governing institutions. This kind of presumption and stigmatisation is corrosive to the fabric of a healthy democratic

society. It reinforces division and undermines public confidence in institutions and increases the likelihood of harmful interactions between police and the community. This government is encouraging and feeding off the othering of people who are subject to systemic disadvantage. They are stirring up fear and hatred to get away with treating some of our community as less than human.

When the trial on the Gold Coast was reviewed by Griffith University in 2022, the reviewers concluded—

The wide discretion afforded to officers in selecting people for wandering leaves considerable room for decisions based on stereotypes and discrimination.

That played out in the statistics, which demonstrated a disproportionate number of First Nations people were subject to wandings during the trial. Since then the pattern has continued. In response to my question on notice earlier this year, the police minister confirmed that 33 per cent of people subject to searches were children, nearly seven per cent identified as First Nations and 83 per cent were boys and men. Discrimination in policing is a serious problem for our communities. It fuels the overrepresentation of First Nations people in our justice system, it undermines public confidence and it entrenches disadvantage and division.

When asked about the clear bias in these supposedly random searches, QPS initially sought to reassure the committee that 'online learning products and other operational factors reinforce the fact of the random nature of the wandering operations, which is the way we conduct the operations'. This is plainly a completely inadequate explanation. Assistant Commissioner Wildman suggested that the male-female imbalance was partly a consequence of the demographic make-up of the people at the locations where wandering was taking place, specifically at safe night precincts and on public transport, but that was not borne out in the data in relation to shopping centres where the disproportionate wandering of children and boys and men was even more pronounced. All in all, I cannot say I am surprised, given the QPS track record when it comes to combating discrimination within their own ranks, in particular their refusal to adopt crucial recommendations of the Queensland Human Rights Commission's review into workplace equality in the service.

There is no doubt the expanded powers are a serious limitation on civil rights and freedoms. The question then becomes is it worth it? To date there is no evidence that the wandering regime is deterring unlawful possession and use of knives. The Griffith review concluded that the wandering regime may help with the detection in certain areas. I do not for a second want to understate the value of that, but there is also no clear evidence that the regime deters knife carrying or has led to a reduction in violent crime.

Previous analysis of similar powers in other jurisdictions, such as Victoria or the United Kingdom, showed no discernible impact of increased police stop-and-search powers on knife crime. The QPS annual report in 2023-24 found that less than one per cent of the over 50,000 stop and wand searches has resulted in discovery of a weapon. These figures arose in the context of a tightly controlled and geographically targeted use of the powers. Despite this, the numbers of weapons seized was minimal and there remains no convincing evidence of any reduction in crime. These findings expose a fundamental flaw. If such operations yielded very limited results even when conducted in areas already identified as higher risk and employing selective targeting, then expanding the wandering powers more broadly will only reduce their effectiveness further while greatly increasing the costs and the risks of civil rights abuses.

Random suspicionless searches are a blunt and ineffective tool. With the expansion of the powers in August 2024, the Labor government spent at least \$900,000 on the scanners themselves. This laborious, expensive method of attempted crime prevention diverts public and police resources away from strategies grounded in actual evidence while delivering minimal results.

Mr Vorster interjected.

Mr BERKMAN: I never thought I would see the day where I would miss the former member for Burleigh's presence in here, but if only we could have him back. The ultimate outcome is very few seizures of prohibited items at high cost, both in terms of resources and public trust. Instead of expending huge resources for police to carry out wandering, there are other options. The government could invest those resources in health and social services that support people impacted by trauma, social disadvantage and isolation. As well, we could increase the investment in community education programs and awareness, like those that are being conducted by the Jack Beasley Foundation. I again want to acknowledge the amazing work they are doing bringing their family's story into young people's lives. The foundation's work is absolutely outstanding. I have seen firsthand with my own children how effective their message is in reaching children at an appropriate age.

In 2023-24 close to 2,500 charges were laid because of wandering operations. We do not know how many of those were successfully prosecuted. What is most concerning for me is that 55 per cent of those charges were drug related compared to just 16 per cent being made under the Weapons Act.

Looking at the express purpose of the bill, that might be described as an unintended consequence, but this government has made its approach to drug use abundantly clear. They are perfectly content to go against all of the evidence that calls for preventive, health related responses to drug use. The LNP government appears absolutely hell-bent on further criminalising vulnerable people who need health assistance.

With very little time left, I would make some comments on the Parole Board amendments. This bill formalises an existing practice so that the Parole Board is required to review decisions not to suspend parole as well as those to suspend parole. We are effectively seeing a government trying to make it as easy to revoke a person's liberty as it is to help them stay out on parole.

(Time expired)