

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report No. 46 on the

Police Powers and Responsibilities and Other Legislation Amendment Bill 2023

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 21 February 2023, the Hon. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, introduced the Police Powers and Other Legislation Amendment Bill 2023 (the Bill) into the Queensland Parliament.

The Bill was referred to the Legal Affairs and Safety Committee (the Committee) for inquiry with a report due on 14 April 2023.

On 14 April 2023, the Committee tabled Report No.46 in relation to the Bill.

The Queensland Government response to the Committee's recommendations in Report No.46 are provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1

The committee recommends the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 be passed.

- Queensland Government response:

The Queensland Government thanks the Committee for its consideration of the Bill and acknowledges the Committee's recommendation that the Bill be passed.

Recommendation 2

The committee recommends the Queensland Police Service review their training processes to ensure the amendments to the Police Drug Diversion Program proposed under the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023 are adequately implemented.

This review should include an assessment of whether any changes to current training processes are required to ensure that the greater discretion afforded to police when dealing with children suspected of minor drug offences does not result in them being treated more harshly than if they had been adults.

- Queensland Government response:

Supported.

The Queensland Police Service's (QPS) Drug and Alcohol Coordination Unit (DACU) will oversee the implementation of the Police Drug Diversion Program. Since the introduction of the Bill, DACU have been travelling the State and hosting information sessions with frontline police to commence the awareness of the context and reasons for change. These information sessions are commencing the cultural shift and awareness of the drug diversion model and will continue across the State.

Local champions have also been identified across the State to assist in promoting the benefits of the expanded police drug diversion program.

As part of this implementation activity the QPS Education and Training Services Branch is creating a new learning product with modules to include: policy intent; evidence base (from experts); context of shift in response; legislation; policy and procedures; what a brief intervention is (QH video); system changes; administrative improvements; and stigma and scenario-based examples.

Sufficient instruction will also be included in QPS training materials and the Operational Procedures Manual to reinforce the provisions of the *Youth Justice Act 1992* (YJA) to ensure that children are not treated more harshly than adults for minor drug offences. Section 11 of the YJA requires police to consider alternatives to proceeding against children. For example, options available to a police officer to consider in response to a minor drugs offence committed by a child are to: take no action; caution the child; refer the child to a restorative justice process; offer the child a drug diversion warning; or the opportunity to participate in a drug diversion assessment program. As there are a number of diversionary options available, the Bill makes the use of drug diversion warnings and drug diversion assessment programs, in relation to children, discretionary.

Recommendation 3

The committee recommends that the Queensland Government reports to the Legislative Assembly within 24 months of the Act commencing on its progress regarding the independent evaluation of the Police Drug Diversion Program's operation.

- Queensland Government response:

Supported.

The Government notes the QPS will commission an independent evaluation of the expanded Police Drug Diversion Program and to report back on the outcome of the evaluation after two years of the Program's operation.
