LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr PS Russo MP (Chair)
Mr JP Lister MP
Mr SSJ Andrew MP
Mr JJ McDonald MP
Mrs MF McMahon MP
Ms CP McMillan MP

Staff present:

Ms M Westcott (Acting Committee Secretary)
Ms K Longworth (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION AMENDMENT BILL 2019

TRANSCRIPT OF PROCEEDINGS

MONDAY, 14 OCTOBER 2019

Brisbane

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The committee met at 9.30 am.

CHAIR: Good morning. I declare open the public briefing for the committee's inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. My name is Peter Russo. I am the member for Toohey and chair of the committee. With me here today are James Lister, the member for Southern Downs and deputy chair; Stephen Andrew, the member for Mirani; Jim McDonald, the member for Lockyer; Melissa McMahon, the member for Macalister; and Corrine McMillan, the member for Mansfield.

On 1 September 2019 the Hon. Mark Ryan, the Minister for Police and Minister for Corrective Services, introduced the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019 into the Legislative Assembly. The parliament has referred the bill to the committee for examination, with a reporting date of 4 November 2019. The purpose of the briefing today is to assist the committee with its examination of the bill.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings. These images may be posted on the parliament's website or social media sites.

Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings, any person may be excluded from the hearing at my discretion or by order of the committee. I ask everyone present to turn mobile phones off or to silent mode.

BROWN, Mr Tony, Acting Director, Legislation Branch, Queensland Police Service

FLYNN, Senior Sergeant David, Legislation Branch, Queensland Police Service

GOLLSCHEWSKI, Deputy Commissioner Steve, Strategy, Policy and Performance, Queensland Police Service

CHAIR: Good morning. I invite you to brief the committee, then committee members will have some questions for you.

Deputy Commissioner Gollschewski: Thank you, Chair, and good morning to you and all of the committee members. Thank you for the opportunity to brief the committee in relation to the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019. The bill makes amendments primarily to the Police Powers and Responsibilities Act 2000 but also to the Weapons Act 1990, the Domestic and Family Violence Protection Act 2012 and the suite of Queensland legislation that contains powers necessary for police and crime and corruption officers to access information on or through electronic devices.

With respect to amendments to the Police Powers and Responsibilities Act 2000 and access to information on or through electronic devices, I will commence by addressing the amendments to access those information provisions in the PPRA and other relevant legislation. The use of digital devices such as mobile phones, smart watches, tablets and laptop computers is commonplace in our modern society. These devices have the capacity to store large amounts of information within or via the device in cloud services. This technology also presents an opportunity for criminal elements to conceal evidence of offences on or through their devices and protect those devices from police access by password or encryption code.

The current search and crime scene warrant provisions in the PPRA can, through a judicial order, require a specified person to provide access information to a storage device so a police officer can obtain stored information relevant to offences specified in the orders. The PPRA provisions do not contain a definition of 'stored information', and this issue is repeated in the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Public Safety Preservation Act 1986 as well as the Crime and Corruption Act 2001.

Ambiguities within the operation of the provisions were identified after the QPS sought legal advice in relation to the powers. The ambiguity is due to the term 'stored' as it relates to information and absence of a definition for those terms. Based on the legal advice, the current PPRA provisions do not permit a police officer to obtain an access order that would require a specified person to provide access information to a private email account such as Outlook.com or to social media applications such as Facebook or Instagram. The clarification of definitions is a priority for the QPS as many offences, for example, child sex offences, are committed prevalently and concealed via such accounts. Without legislative change, future perpetrators may find incentive in utilising social media and private email accounts to commit and conceal serious offences.

The bill makes the necessary amendments to terminology and definitions to ensure that the QPS can effectively detect and prosecute offences concealed on digital devices no matter where such information may be concealed. For instance, the bill omits references to 'stored information' and replaces those references with the terminology 'device information'. The technical amendments do no more than clarify the original intention of the provisions as amended via the Serious and Organised Crime Legislation Amendment Act 2016.

With respect to amendments to access information provisions in affected Queensland legislation, as the terms 'stored' and 'information' are also used in relevant sections of the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, the Public Safety Preservation Act 1986 and the Crime and Corruption Act 2001, as well as the Criminal Code, the bill will amend those acts to substitute terminology that refers to 'stored information' with 'device information' and 'storage device' with 'digital device' to ensure there is no ambiguity about the scope of information that could be lawfully accessed. The Criminal Code contains the offence provision for contravening an access information order and minor amendments are made to that provision to reflect the new terminology. The bill also incorporates the reasonable excuse element into the offence provision and the related provision that is not a reasonable excuse to contravene an order based on the ground that it may intend to incriminate the person or expose them to a penalty.

With respect to further amendments to the PPRA, in particular the voluntary transfer of ownership of a vehicle to the state, there are a number of smaller efficiency based amendments to the PPRA. The QPS Road Policing Command has identified that a significant number of impounded motor vehicles are valued at less than $500. Consequently, impoundment fees often exceed the value of the vehicle impounded, which causes detriment to the owner of a vehicle and the operator of the holding yard, who usually cannot recoup the costs of providing the service. Currently, the owner of a motorbike subject to an application for an impoundment order or the owner of a vehicle subject to an application regarding an evasion offence may voluntarily transfer their bike or vehicle to the state. Amendments to the bill will allow the owner of an impounded motor vehicle to agree to transfer their vehicle to the state for any impoundment related offence under chapter 4 of the PPRA.

With respect to the definition of 'controlled activity', under section 224 of the PPRA, a controlled activity may involve one or more meetings between a police officer and a person. This description is outdated as the term 'meetings' implies the physical presence of a police officer and the person at the same location. The bill redefines 'controlled activity' so that all methods of communication, including email, mobile text messaging, social networking communications or meetings, may be contemplated when considering the application of controlled activity provisions.

In relation to broadening the level of approval required to authorise a controlled operation, presently the delegation for the authorisation of a controlled operation extends only to a deputy commissioner or the assistant commissioner of the State Crime Command. The application process for a controlled operation is extensive and, due to the many steps involved, can take up to three months to obtain final approval. The delay in receiving approval is making the immediacy of the response to timely intelligence difficult and reduces the effectiveness of the scheme. The bill amends the delegation for authorisation to include any assistant commissioner or the detective chief superintendent responsible for statewide crime operations. This maintains the authorisation at an appropriate level of commissioned officer while lessening the chance of loss of evidence altogether.

With respect to what a surveillance device authorises, chapter 13 of the PPRA contains powers relating to the use of surveillance devices. The Counter-Terrorism and Other Legislation Amendment Act 2017 made changes to the definitions of 'premises' and 'vehicle' in that chapter to recognise the mobility of the vehicle. However, the change had the unintended effect of it being no longer possible to install surveillance devices in a vehicle under the named person warrant. The bill inserts the words 'a vehicle' into this section to rectify that issue.

In relation to the repeal of sober safe centre provisions, the sober safe centre provisions are largely contained in sections 390A through to 390P of the PPRA. As the government no longer uses this legislation, the bill repeals those sections and other references to sober safe centres throughout the PPRA.

In relation to the holding time of found property, the cost of storing property is burgeoning for the QPS. The current 60-day requirement to hold found property is outdated. Due to advances in technology, reports of lost property may be made online and over the phone. Online search capabilities allow the comparison of lost property reports against found items through simple search fields. The QPS website has recently been upgraded, which has greatly increased the usability level for the public when they are seeking to make inquiries about policing matters, including lost property. The bill amends the holding requirement of the QPS so that forfeiture may be ordered after the QPS has held property in its possession for a minimum of 30 days. Existing provisions that require at least 30 days notice to an owner or a minimum 30 days notice to an unknown owner by providing a description of the property via the QPS website will not change, meaning that the amendments do not disadvantage any owner in any way. To take advantage of the holding time reduction from 60 to 30 days, the onus will be on the Queensland Police Service to provide notice of found property in a timely manner.

I move on now to the amendments to the Domestic and Family Violence Protection Act 2012 and search powers relating to a direction to move. The bill makes two important changes to the Domestic and Family Violence Protection Act 2012 to advance community safety. Under section 134A of the Domestic and Family Violence Protection Act, a police officer may direct a person to move to another stated location, for example a police station or courthouse, to allow police to perform a number of functions, such as to serve a respondent with a police protection notice or a domestic and family violence order. The direction to move can be used only in circumstances where in the police officer's opinion it is necessary to separate persons. For instance, it may be contrary to the best interests of the aggrieved to leave the respondent at their location while a function under section 134A is carried out.

The section stipulates that a police officer must remain in the presence of a person given a direction to move, effectively meaning that police must transport the person in a police vehicle. However, there is currently no power to search that person prior to transport. This presents a safety risk to police, the respondent and other people as the respondent may possess an object that they could use to harm themselves or others.

Under chapter 16 of the PPRA, 'Search powers for persons in custody', police have the power to search a person prior to transport in a number of instances, including when a person is lawfully detained under another act. The lack of a power to search a person who is directed to move under section 134A of the DFVPA represents a gap in an essential workplace health and safety procedure that could foreseeably result in a death in custody or serious harm being caused to a police officer.

While a provision in section 134A of the DFVPA stipulating that a person who is given a direction to move is detained for transport might be the useful remedy to address this gap, the structure of section 134 of the DFVPA prevents this. Police are required under section 134A of that act to tell a person they are not under arrest or in custody, even though a person who is given a direction to move is effectively in the control of police and police have a responsibility for that person's care. The requirement to tell a person they are not in custody prevents the insertion of a provision that would permit police to detain a person for transport. The bill instead inserts a power of search into section 134A of the DFVPA for a person who is given a direction to move and is to be transported, to alleviate this safety issue.

With respect to DV information sharing, part 5A of the DFVPA enables information to be shared between government agencies and/or non-government organisations that provide domestic and family violence services. Under part 5A, section 169H of the DFVPA only permits police officers to share information. This does not reflect the reality of the QPS operational environment in which civilian staff play integral roles, particularly in the back-office positions involving tasks such as responding to requests for information. The bill amends section 169H to enable civilian staff to share information under part 5A of the act.

I move on to amendments to the Weapons Act 1990, the definition of a magazine. The bill also contains changes to the Weapons Act 1990 resulting in a number of minor and consequential amendments to the Weapons Regulation 2016 and the Weapons Categories Regulation 1997. The Weapons Act currently defines a magazine to be a 'detachable receptacle for ammunition'. The definition has the potential to cause confusion and create a legal inconsistency between the Weapons Act and the Weapons Categories Regulation as it does not cover firearms with a capacity to hold

ammunition in magazines that are an integral part of the firearm itself such as a tubular magazine. The bill addresses this by changing the definition of 'magazine' in the act to include receptacles for ammunition that are fixed to or an integral part of the firearm.

I now turn to suspension notice extension. The Weapons Act currently allows an authorised officer to suspend a person's weapons licence for 30 days where it is suspected on reasonable grounds that a licence holder is no longer a fit and proper person, for example on grounds of mental or physical health. The suspension period is designed to provide the licensee time in which to demonstrate they are a fit and proper person. However, delays in obtaining medical appointments and reports from medical professionals can mean that a person is unable to provide the required evidence within the legislatively imposed 30 days. In such situations the person's suspended licence is cancelled, notwithstanding that the person may have been able to establish their fitness. Once cancelled, the licensee must apply to QCAT for the reinstatement of their licence. When reinstated, a further suspension period can be applied to allow the necessary time for a person to prove they are fit to hold the licence. The current statutory window of 30 days disadvantages licensees and is an administrative impost on the QPS and QCAT. Consequently, the bill amends the Weapons Act to mitigate this issue by extending the time for which a licensee can be suspended to 90 days.

I now turn to regulating firearms modifications. Currently, armourers who modify a firearm in such a way that it changes the category of that firearm under the Weapons Categories Regulation are under no obligation to ensure the owner has the required licence to possess the modified firearm or to notify the Weapons Licensing Branch about the modification. The bill amends the Weapons Act to include an express obligation on armourers who are modifying firearms in a way that alters the category of the firearm to confirm that a person can possess the new category of firearm by sighting the person's weapons licence. The bill further requires armourers to record such modifications in their weapons register and report the changes to Weapons Licensing to ensure the statewide firearms register can be accurately maintained.

I move on to amendments to the Prostitution Act 1999—powers for authorised Prostitution Licensing Authority officers. Under section 101 of the Prostitution Act it is a function of the Prostitution Licensing Authority to monitor the provision of prostitution through licensed brothels. However, authorised PLA officers presently do not have powers of entry, search and seizure that enable them to fulfil their functions under the act. The PLA is currently managing this through brothel licence conditions. However, this essentially relies on the goodwill of brothel owners, who may adopt the option of refusing entry to avoid a more serious offence.

If PLA officers are denied access to a brothel, police must be called to facilitate access, which is an unnecessary impost on police resources. The bill inserts a new part 3A, 'Enforcement', into the Prostitution Act to provide the PLA with the powers for its officers to enter, search, seize, require the production of documents and not be obstructed in their duties. The new part 3A will amalgamate existing powers of entry for police officers. Under the new part an authorised officer will include: a police officer of at least a rank of inspector; a police officer authorised by a police officer of at least the rank of inspector to exercise enforcement powers; and a staff member of the PLA authorised by the executive director to exercise enforcement powers. The powers obstruction offence and safeguards are modelled upon the line provisions for authorised officers in part 5, division 2 of the Tattoo Industry Act 2019 and the Liquor Act 1992.

I now turn to the three-year ineligibility period. Currently, non-payment of annual fees results in an automatic three-year cancellation of a brothel licence or approved managers certificate. The automatic cancellation for three years is a consequence of amendments made in 2010. However, it was never the intention to make a person ineligible to hold a licence or certificate for this length of time. The bill amends sections 8 and 34 of the act so there is no ineligibility period for an automatic cancellation of a brothel licence and approved managers certificate.

Finally, I turn to breach of licence condition, which is to be a simple offence. The offence for breaching a condition of licensed brothel is presently an indictable offence carrying a maximum of 200 penalty units, or five years imprisonment. A brothel licence currently has 52 standard conditions such as record-keeping requirements, maintenance and cleaning of brothels, a significant number of these conditions being administrative in nature. The bill reduces the offence to a summary offence with a maximum of 20 penalty units to reflect the penalty that is usually imposed by the courts. The amendment may make the new section suitable for a prescription of an infringement notice via the State Penalties Enforcement Regulation 2014 pending application and approval. This would allow the PLA to deal swiftly with breaches without the involvement of police.

In conclusion, while a number of the amendments in the bill are technical or clarifying in nature, the bill will have a positive impact on police operations and community safety. These amendments will commence upon assent. I and my team are happy to take questions in relation to the bill.

CHAIR: I have a question in relation to clause 61A, 'Entry of premises by authorised officers', which you were just speaking to. You would not have seen the submissions that we have received because we have not published them. That section is obviously designed to allow officers to enter licensed brothels. It goes further and basically says anywhere that is being used for prostitution.

Deputy Commissioner Gollschewski: Yes.

CHAIR: Is it correct to say that if there is a suspicion officers can enter without a warrant? When I read the rest of the preamble I found it a little bit confusing. How exactly will it work? I can understand the licensed brothel part of it in that if they go there and the owner will not let them in, they then have to get the Queensland police to come along and gain entry. If this amendment is passed it will allow that to occur without the further impost on the Queensland Police Service. Obviously you are referring to—and correct me if I am wrong—premises that are not licensed brothels?

Snr Sgt Flynn: Yes. The Prostitution Licensing Authority only have an interest in those premises that are licensed brothels. This has been an amalgamation of powers, so there were existing powers of entry for police under the Prostitution Act. With these amendments an authorised officer will include an authorised PLA officer as well as a police officer. That particular section was modelled on the same powers of entry in the Tattoo Industry Act, which is drafted in quite a similar way, where the authorised officer will be able to access a licensed tattoo parlour. It is drafted similarly in that they would be able to access a premises reasonably suspected—in effect, it saves having a division of powers for police and powers for PLA officers.

CHAIR: Can you give an example of the type of premises where this piece of legislation would be enacted? Obviously it is designed for licensed brothels; it is clear in the act.

Mr Brown: Nothing will change in terms of the way that police investigate offences in either legal or illegal brothels. That stays the same. What this new piece of legislation does is allow PLA officers to gain entry to legal brothels to investigate offences. That is where they will be confined to. Their remit is the licensed brothel industry, so they have no interest in illegal brothels. That is beyond their remit and that remains with police.

CHAIR: When you read on, they still need a warrant to go—

Deputy Commissioner Gollschewski: My understanding of your question is—

CHAIR: Basically police cannot go into premises where they suspect illegal activity is going on without a warrant?

Deputy Commissioner Gollschewski: If I could paraphrase it, your question is: are the police getting additional powers under this amendment to enter places suspected of being brothels—not licensed brothels—that they did not have previously? Is that the intent of your question?

CHAIR: Yes, that is what I was asking. You put it a lot better than I did.

Mr Brown: The answer to that is no.

CHAIR: To be clear, that question arises from some of the submissions that I read. I just want to put the caveat on it that I know you have not had the opportunity to respond to them and I know you will in due course.

Deputy Commissioner Gollschewski: Thank you, Chair.

Mr LISTER: I was thinking about the lessons of Fitzgerald when you were talking about the powers of entry implications for this bill. One of the things which emerged was that one unit or agency in that case, at the time of the licensing branch having an exclusive role in policing massage parlours and brothels, was central to enabling corruption to flourish or at the very least the perception of corruption. One of your predecessors, Ron Redmond, is on record in some departmental memos saying that the perception that police are in massage parlours gives rise to the inference that they might be accepting graft. If we take that into the modern context, was any consideration given to the fact that this development will enable one agency, the Prostitution Licensing Authority, to have carte blanche access to licensed brothels without reference to the police and, by extension, by being the exclusive agency to do that that could give rise to the inference or the possibility that corruption or malpractice might occur?

Deputy Commissioner Gollschewski: To answer that, I think operationally what happens now is that we are inevitably involved in prostitution investigations. I will deal with two aspects of that. One is the illegal prostitution that occurs in our community. There is very much a policing-led investigative response that has to take place in relation to that. The other is the regulated industry that falls within the licensed brothels. That is primarily where the Prostitution Licensing Authority, PLA, has a role to play. They are the primary agency in that. What this allows is: instead of police officers having to roll

out every time they want to do something and having to do something which is essentially a regulatory role, if you like, in making sure that licensed brothel owners are complying with the conditions of their licence which is, as I briefed, largely an administrative role, they can do that. Even if they get some minor pushback, they have some authority to be able to do that. We will retain our focus on that, and we have a commitment to prostitution investigations through State Crime Command. We will continue to do that in partnership with them as and when required on a risk basis, depending on what they are having to deal with. For instance, if they go into a licensed brothel and they are going to get really big pushback, despite their powers, they are not trained how to deal with people who might want to resist or might want to take action so police will obviously be involved. This is to allow them to go about their business in a way that does not create an unnecessary impost on it. I take your point around that idea of someone solely having responsibility for prostitution. It is not a place where we want to be and nor are we—

Mr LISTER: It is a sensitive area and one where a lot of thought and consultation should occur because of the lessons of the past.

Deputy Commissioner Gollschewski: We are not trying to get out of policing that area at all. We are trying to make sure that we are policing those parts that require policing to be involved.

Mrs McMAHON: I would like to discuss the amendments to the Domestic and Family Violence Prevention Act that we are considering, the first being the insertion of the search provisions into 134A. Could you provide the committee with some comment? This legislation only came in with the PPNs in 2017. At what time did it dawn on the Police Service that the search provisions were not there for the purpose of taking someone to the police station or courthouse?

Deputy Commissioner Gollschewski: I will make a quick opening comment and then, for the really technical detail, someone who knows what they are talking about might be able to speak to it. For us, this is a really key issue. Our primary role when we become involved in domestic and family violence is to reduce harm to the community—reduce harm to the aggrieved in the first instance and to those who might be with them—and to de-escalate a situation where violence has been already manifested in some way, more often than not. What has become apparent as we have gone along is that we cannot do that properly because we have this particular set of circumstances where we need to control a person and do certain things to de-escalate that violence or to get a better outcome under the act and we cannot actually take any deliberate action to make sure they are not going to harm either themselves or someone else, including us. As time has gone on, it has become apparent to us that we need to address that, bearing in mind that these are very emotive issues and people can make bad choices. In terms of the technical side of it, I will go to David.

Snr Sgt Flynn: About 12 months ago, an operational police officer sought legal advice from our operational legal advice section as to whether they could search someone prior to transport. The legal advice they received was that they could not. We developed the legislation from there. It is what we would consider to be a gap in the legislation, that we do not have that power. Generally under section 442 of the PPRA we have broad powers to search a person when they are in custody. It may not necessarily be because they are under arrest. For instance, if we have detained someone on the roadside under transport legislation because they have returned a positive roadside breath test and we take them back to the police station for a further test, in that instance we have the power to search them prior to that transport. Under the Mental Health Act we can detain a person for transport to have their mental health assessed. Likewise, we can search that person prior to transport, just to make sure they have nothing on them that would harm themselves or another person.

Mrs McMAHON: Deputy Commissioner, in your opening address you raised whether we modify section 134 under the act or make that transport for the purpose of taking out the PPN a detention that would be eligible under 442. The decision has been to modify 134 rather than them being detained under another act and therefore make this purpose of the PPN a detention and therefore it falls under 442. Could you talk me through the decision to make it a 134 amendment rather than make it a detention?

Snr Sgt Flynn: As you point out, it could be done either way; however, there is a provision under section 134A of the Domestic and Family Violence Protection Act. It requires police to tell a person who is given a direction under that section that they are neither under arrest nor in custody. That creates a little bit of a conflict. That is why it cannot necessarily be linked in to section 442 of the PPRA, which is all about when a person is in custody—'custody' in the broader sense of the word in that they are under the control, really, and responsibility of police while they are in a police vehicle. Rather than take that requirement out of the DFVPA, this is what we have come up with to enable police to search.

Mrs McMAHON: On the information-sharing provisions of the Domestic and Family Violence Prevention Act, are you able to provide any examples to the committee of where status quo—that is, where they are not listed—has caused problems, particularly within the multiagency response and what this is attempting to address?

Deputy Commissioner Gollschewski: Over the past number of years we have recognised in some of these areas, such as domestic and family violence, counter-terrorism and others, that police officers are not necessarily the skill set we need. We are building teams, such as our high-risk response teams in our Domestic and Family Violence Unit that sits within the Community Contact Command, that include specialists that are civilians by nature. They are the specialists in domestic and family violence working for us in those roles, in those areas. Also in administering those teams and just running them, we have a number of staff members that support those units.

As a matter of course, every day requests come in for information and exchange. We all know that domestic and family violence is a very big initiative across the community so there are a lot of players in that space—other agencies, NGOs and all sorts of people are involved in that—that we need to have collaborative information-sharing relationships with. Under our act as it was, only police officers could disseminate that information. That is unduly causing delay in some instances that are in areas where we have operational priorities around people who are facing harm and are at risk. The people working in that area are civilians. They are the ones who need to be able to share the information as part of their duties. That is what this amendment proposes to achieve. There have been a number of instances where we have had delays in investigations because of that inability to share information in a timely way.

Mr McDONALD: Thank you, Deputy Commissioner Gollschewski, and your team for being here. With regard to cloud services and the ambiguity that exists in the current situation, have there been instances where information has not been able to be collected or is this a proactive step the Police Service is taking? Was there a court outcome? What led to these amendments and will the amendments rectify the situation?

Snr Sgt Flynn: It was a proactive step. There was a case prior to the Serious and Organised Crime Legislation Amendment Act of R v Gill (2017) QDC 242, where there was child exploitation material in Hotmail accounts and that evidence was ruled inadmissible at court because the scope of the provisions at that time was unclear. One of the intentions of the serious and organised crime act was to make it clear that police could access information, through a judicial order, not only on someone's device but also through that device, so if they have information stored in the cloud. That is where the ambiguity arose, with the words 'stored information'. The legal advice we received was that there was no definition in the PPRA of 'stored information' and it could be construed a couple of ways. The advice suggested that stored information in the cloud would only relate to storage such as Dropbox—services that were specifically designed to give a person more storage space—and not necessarily social media applications. While the legal advice said that it could be interpreted both ways, under the principles of law if there is ambiguity it has to fall in favour of the potential accused. That is why we are removing the word 'stored', which the advice said was the ambiguous part, and replacing that with 'device information', to make it clear.

Deputy Commissioner Gollschewski: To add do that, Mr McDonald, even the lawyers did not really agree on it. In the end, Crown Law said that it was ambiguous. Obviously we thought it was important to tidy that up. Given our operating environment, more and more we are seeing the emergence of these technologies that are being exploited by all types of criminals—child sex offenders, terrorists; you name it—so we need to stay ahead of the game in terms of being able to operate in that environment because we are playing catch-up a fair bit.

Mr ANDREW: I was always under the impression the PTA covered magazines within the capacity of the actual weapon.

Deputy Commissioner Gollschewski: No. According to the advice we received, if it is an integral part of the weapon itself, so it does not detach, then it is a magazine but it is not legally a magazine. To tidy that up, to describe a magazine, it should include things that are not detachable from the weapon. Some of these have quite significant capacity in terms of what they can hold. That is just a technical point.

Snr Sgt Flynn: The definition in the categories regulation did cover both magazines that were integral as well as those that were detachable, whereas the definition of 'magazine' in the act referred only to detachable magazines. There was an inconsistency between the act and the regulation.

Mr ANDREW: You just tidied that up?

Snr Sgt Flynn: Yes.

Ms McMILLAN: With PLA officers being able to enter, seize, search and gather documents in a licensed brothel, what training will be provided and how will that environment be managed?

Snr Sgt Flynn: We have been advised by the PLA that in one sense this will not be new to them, because they have been operating for almost 20 years and they have been utilising the powers of entry. They have been managing it through licensing conditions. What they have found is that, while most licensed brothels have been cooperative with them and the sex workers have appreciated that they are looking out for their welfare and rights over the years, they have had increasing instances where they have been denied entry, so the licensing authority have sought powers to properly fulfil their function. While it is not new to them, I have been advised that they will be providing training to their staff. Only officers authorised by the executive of the PLA will be permitted to utilise the powers.

Mr LISTER: Deputy Commissioner, I take you back to your contribution on the gathering of evidence and the provisions of the bill that will make that easier. Am I to take it that—I assume it is—the concealment of evidence through electronic means is a serious impediment to the fight against various crimes?

Deputy Commissioner Gollschewski: Absolutely.

Mr LISTER: How much are you hamstrung by the fact that Queensland is an island in terms of this bill and data can be stored all over the world and so forth? What is the solution generally?

Deputy Commissioner Gollschewski: Yes, absolutely. I recently spent four years on the Australia-New Zealand Counter-Terrorism Committee and these are issues that are vexing us—not just within our jurisdiction but across all western jurisdictions in particular—so we are continually trying to work collaboratively around this space. We are very contemporary and, I would like to think, up there in terms of world's best practice in how we do cyber and online investigations. Nonetheless, continually—whether it be through Argos or through our online fraud—we are seeing a lot of these types of offences going offshore. Even people who are operating within our own jurisdiction—doing nothing more than doing criminal activity within our own jurisdiction—are storing information on their devices and through their devices, encrypting it and doing all of those things.

Mr LISTER: If it is on their device and they are in Queensland and their device is in Queensland—

Deputy Commissioner Gollschewski: If it is on the device we have technologies that allow us to be able to search those devices and get it. If they choose not to store it on the device but to push it off into some other provider or some information-sharing network or social media, then we start to get into trouble in terms of how we can access that and what we can do to get to that information. Quite often when talking about particularly organised crime, where you have multiple players involved and you are trying to prove a conspiracy between those players, you need to have that data to prove those connections and what they are doing. This will not solve this problem, but it will help us keep on track with trying to keep up with what is happening out there. You are quite right: these are the sorts of things that we talk about through our national arrangements through both organised crime through the Australian transnational and serious organised crime committee and also ANZCTC about how we can get better outcomes nationally and even pushing things up to COAG to try to get all governments to agree to what we are doing.

CHAIR: That concludes this briefing. Thank you for appearing here this morning. Thank you to the secretariat staff and to Hansard. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare the public briefing for the committee's inquiry into the Police Powers and Responsibilities and Other Legislation Amendment Bill 2019 closed.

The committee adjourned at 10.17 am.