

Review of Police Powers and Responsibilities and Other Legislation Amendment Bill 2021

Submission to Queensland Parliament Legal Affairs and
Safety Committee

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Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal of the Eora Nation.

¹ www.lawyersalliance.com.au.

Introduction

1. The ALA welcomes the opportunity to have input into the Legal Affairs and Safety Committee ('LASC') review of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 ('the Bill').
2. The ALA has had the opportunity to consider the submission from Sisters Inside and endorses all of the recommendations in that submission.
3. The ALA is particularly concerned about the following amendments in the Bill:
 - Proposed extension of police banning notices powers;
 - Proposed extension of parole consideration timeframes.

Extending police banning notice powers

4. The ALA does not support the extension of the banning notice powers under the *Police Powers and Responsibilities Act 2000*. The ALA is concerned that banning notices have a disproportionate and discriminatory effect on First Nations people and homeless people and result in further criminalisation.
5. Under the proposed amendments, there is no requirement for an individual to have been found guilty of a relevant knife-possession offence in order to receive a banning notice. They may have therefore had a reasonable excuse for possessing a knife at that time. However, they may nonetheless be banned for up to 10 days, and potentially even up to 3 months, from a public area. This area may be essential to them in accessing medical and social services, employment or even their home. While there are options for review of banning notices, these are often inaccessible for the most disadvantaged in the community.

Extension of parole consideration timeframes

6. The ALA is concerned about the proposed amendment to extend the period of time in which the Board has to consider a parole application by 60 days. This new timeframe will apply to not only new applications, but also to existing parole application that have not yet been decided by the Board.

7. The effect of this amendment will be to deny an imprisoned person the opportunity to seek judicial review of a failure of the Board to consider a parole application within the existing statutory timeframe of 120-150 days. Such a remedy is an essential mechanism available for prisoners to address what amounts to an arbitrary detention and infringement on the right to liberty and security of the person, by virtue of the Board not considering the application within the statutory timeframe. The ALA does not consider the proposal to increase the statutory timeframe as an appropriate solution to addressing the backlog in existing parole applications that are yet to be decided by the Board.
8. The ALA supports the recommendations from Sisters Inside to increase funding for the Parole Board and for legal representation and self-help services for people in prison.

Conclusion

9. The Australian Lawyers Alliance (ALA) welcomes the opportunity to have input into the review of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2021 being conducted by the Legal Affairs and Community Safety Committee. The ALA submits that the Bill should not pass in its current form.



Sarah Grace
Queensland President
Australian Lawyers Alliance