



# QUEENSLAND PARLIAMENT **COMMITTEES**

## **Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025**

Justice, Integrity and Community Safety Committee



**Report No. 10**

**58th Parliament, May 2025**



## **Justice, Integrity and Community Safety Committee**

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All references and webpages are current at the time of publishing.

## **Acknowledgements**

The committee acknowledges the assistance provided by the Queensland Police Service.

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## Chair's Foreword

This report presents a summary of the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee held a public hearing and departmental briefing in Brisbane on 30th April 2025. The hearing and briefing heard evidence from stakeholders and departmental responses to submissions and questions from the committee.

I want to particularly thank Brett and Belinda Beasley, the parents of Jack Beasley, in memory of whom this Bill is named, for their tireless advocacy to see our community protected from knife crime with less weapons on our streets. Thank you to Belinda for attending our public hearing, bravely giving important evidence again to support these laws.

I'm proud to be part of a Government that is advancing legislation which is taking strong action to protect our community in honour and remembrance of Jack Beasley.

On behalf of the committee, I thank those organisations who made written submissions on the Bill and have worked to develop the Bill. I also thank our Parliamentary Service staff and the Queensland Police Service for assisting in this inquiry.

I commend this report to the House.



Mr Marty Hunt MP

Chair

## Executive Summary

### About the Bill

On 2 April 2025, the Hon Dan Purdie MP, Minister for Police and Emergency Services, introduced the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (Bill) into the Legislative Assembly. The Bill was referred to the Justice, Integrity and Community Safety Committee (committee) for consideration.

The primary objective of the Bill is to enhance community safety and security through the expansion of 'Jack's Law' which seeks to prevent knife related crime by authorising police officers to use a hand held scanner to detect knives or other weapons in certain places.

Specifically, the Bill amends the *Police Powers and Responsibilities Act 2000* to:

- make Jack's Law permanent by removing the sunset clause that schedules its expiry on 30 October 2026
- allow a police officer to use a hand held scanner in a relevant place without the need to obtain an authority to do so from a senior police officer
- expand the application of Jack's Law to include public places, that are not relevant places, by allowing police officers to use a hand held scanner in these areas provided they first obtain authority from a senior police officer
- improve policing efficiencies by streamlining the legislative framework underlying Jack's Law.<sup>1</sup>

The Bill also has a number of secondary objectives which include:

- extending the operational period of the *Terrorism (Preventative Detention) Act 2005* from 16 December 2025 to 16 December 2040
- amending the *Marine Rescue Act 2024* to confirm that Marine Rescue Queensland is a charitable institution for particular purposes
- amending the *State Emergency Service Act 2024* to clarify that any previous appointment of a person as a member of the State Emergency Service is valid.<sup>2</sup>

### Committee considerations

Stakeholders were invited to make written submissions on the Bill. In response, the committee received and accepted 18 submissions which were published on the committee's webpage.

The committee received a written briefing on 8 April 2025 and an oral briefing on 30 April 2025 from the Queensland Police Service.

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<sup>1</sup> Bill, explanatory notes, p 1.

<sup>2</sup> Bill, explanatory notes, p 1.

The committee also heard from stakeholders at a public hearing in Brisbane on 30 April 2025.

The key issues raised during the committee's examination of the Bill included:

- the impact of the removal of the sunset clause to make Jack's Law permanent in Queensland
- allowing police officers to use a hand held scanner in defined places without the need for senior officer authorisation
- expanding Jack's Laws to all public places and the safeguards that are applied to this power
- amendments to streamline the framework supporting Jack's Law including removal of certain notification and reporting requirements
- consideration of other preventative measures to combat knife crime.

The committee has recommended that the Bill be passed.

### **Legislative compliance**

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*. The committee is also satisfied that the Bill is compatible with human rights as defined in the *Human Rights Act 2019*.



## Recommendations

<b>Recommendation 1 .....</b>	<b>5</b>
The committee recommends that the Bill be passed. ....	5

## Glossary

<b>2021 Act</b>	<i>Youth Justice and Other Legislation Amendment Act 2021</i>
<b>2023 Act</b>	<i>Police Powers and Responsibilities (Jack's Law) Amendment Act 2023 (2023 Act)</i>
<b>2024 Act</b>	<i>Queensland Community Safety Act 2024</i>
<b>Bill</b>	Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025
<b>Committee</b>	Justice, Integrity and Community Safety Committee
<b>Criminal Code</b>	<i>Criminal Code Act 1899</i> , schedule 1
<b>Griffith Report</b>	Griffith University, Griffith Criminology Institute, <i>Review of the Queensland Police Service Wandering Trial</i> , August 2022 (tabled in the Legislative Assembly on 9 November 2022)
<b>HRA</b>	<i>Human Rights Act 2019</i>
<b>HRLC</b>	Human Rights Law Centre
<b>LAQ</b>	Legal Aid Queensland
<b>LSA</b>	<i>Legislative Standards Act 1992</i>
<b>MRQ</b>	Marine Rescue Queensland
<b>MRQ Act</b>	<i>Marine Rescue Queensland Act 2024</i>
<b>PPRA</b>	<i>Police Powers and Responsibilities Act 2000</i>
<b>QATSICPP</b>	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
<b>QCCL</b>	Queensland Council of Civil Liberties
<b>QCOSS</b>	Queensland Council of Social Service
<b>QHRC</b>	Queensland Human Rights Commission
<b>QIFVLS</b>	Queensland Indigenous Family Violence Legal Service
<b>QLS</b>	Queensland Law Society
<b>QPS</b>	Queensland Police Service
<b>QPU</b>	Queensland Police Union of Employees
<b>SES</b>	State Emergency Service
<b>SES Act</b>	<i>State Emergency Service Act 2024</i>
<b>SNPs</b>	Safe Night Precincts

<b>Senior police officer</b>	a police officer of the rank of Inspector or an approved Senior Sergeant
<b>TPD Act</b>	<i>Terrorism (Preventative Detention) Act 2005</i>
<b>YAC</b>	Youth Advocacy Centre

## 1. Overview of the Bill

The Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (Bill) was introduced by the Hon Dan Purdie MP, Minister for Police and Emergency Services, on 2 April 2025 and was referred to the Justice, Integrity and Community Safety Committee (committee) by the Legislative Assembly for consideration and report by 23 May 2025.

### 1.1 Aims of the Bill

The primary objective of the Bill is to enhance community safety and security through the expansion of 'Jack's Law' which seeks to prevent knife related crime by authorising police officers to use a hand held scanner to detect knives or other weapons in certain places.<sup>3</sup>

To meet this objective, the Bill amends the *Police Powers and Responsibilities Act 2000* (PPRA) to:

- make Jack's Law permanent by removing the sunset clause that schedules its expiry on 30 October 2026
- allow a police officer to use a hand held scanner in a relevant place<sup>4</sup> without the need to obtain an authority to do so from a senior police officer
- expand the application of Jack's Law to include public places, that are not relevant places, by allowing police officers to use a hand held scanner in these areas provided they first obtain authority from a senior police officer
- improve policing efficiencies by streamlining the legislative framework underlying Jack's Law.<sup>5</sup>

The Bill also has a number of secondary objectives. The Bill:

- extends the operational period of the *Terrorism (Preventative Detention) Act 2005* (TPD Act) from 16 December 2025 to 16 December 2040
- amends the *Marine Rescue Queensland Act 2024* (MRQ Act) to clarify that Marine Rescue Queensland (MRQ) is capable of receiving gifts as a charitable institution
- amends the *State Emergency Service Act 2024* (SES Act) to confirm that any previous appointment of a person as a State Emergency Service (SES) member is valid.<sup>6</sup>

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<sup>3</sup> Bill, explanatory notes, p 1.

<sup>4</sup> The term 'relevant place' is defined as a licensed premises, public transport station, public transport vehicle, retail premises, safe night precinct, shopping centre, sporting or entertainment venue.

<sup>5</sup> Bill, explanatory notes, p 1.

<sup>6</sup> Bill, explanatory notes, p 1.

The Minister summarised the overarching purpose of the Bill on its introduction as follows:

” *The Bill meets the government’s commitment to restore community safety and security by delivering legislative change that supports our frontline police to combat and remove dangerous weapons from Queensland streets and protect our community. This bill builds on the foundations of Jack’s Law, named in honour of Jack Beasley, whose tragic death at just 17 years of age emphasised the urgent need for stronger laws to combat knife related crime.*<sup>7</sup>

**Hon Dan Purdie, Minister for Police and Emergency Services**  
*Introductory speech, 2 April 2025*

## 1.2 Context of the Bill

The Bill follows a number of iterations of Jack’s Law, which are summarised below.

### 1.2.1 Youth Justice and Other Legislation Amendment Act 2021

In May 2021, the *Youth Justice and Other Legislation Amendment Act 2021* (2021 Act) amended the PPRA to introduce a trial that enabled senior police officers to authorise the use of hand held metal detectors to detect unlawfully possessed knives in Surfers Paradise CBD and Broadbeach CBD Safe Night Precincts (SNPs).<sup>8</sup> This trial was held between May 2021 and April 2023.<sup>9</sup>

The initial trial required a police officer of the rank of Inspector or an approved Senior Sergeant (a senior police officer) to authorise a police officer to use a hand held scanner for a period of 12 hours.<sup>10</sup> Notably, the 2021 Act did not prescribe particular considerations a senior police officer must have had regard to before making an authorisation.<sup>11</sup>

An independent 12-month review (Griffith Report) of the trial was conducted by the Griffith Criminology Institute and was tabled in the Legislative Assembly in November 2022. Among other things, the Griffith Report found that:

*... hand held scanning contributed to increased detection of knives in the Surfers Paradise SNP, that scanning should be targeted at areas where there is a proportionately higher prevalence of knife offences over a sustained period, and raised concerns around the potential for net-widening, the recording of data, and the scheme’s effectiveness in reducing knife violence.*<sup>12</sup>

The Griffith Report made several recommendations including that the Queensland Police Service (QPS) address issues relating to the recording of demographic data, improve training to ensure that police officers should not be directed to select people based on race or cultural identification, and formalise certain audit processes.<sup>13</sup>

<sup>7</sup> Queensland Parliament, Record of Proceedings, 2 April 2025, p 726.

<sup>8</sup> Bill, explanatory notes, p 2.

<sup>9</sup> Bill, explanatory notes, p 2.

<sup>10</sup> Queensland Police Service (QPS), written briefing, 8 April 2025, p 2.

<sup>11</sup> Bill, explanatory notes, p 2.

<sup>12</sup> QPS, written briefing, 8 April 2025, p 2.

<sup>13</sup> QPS, written briefing, 8 April 2025, p 2.

### 1.2.2 Police Powers and Responsibilities (Jack's Law) Amendment Act 2023

In April 2023, following the findings of the Griffith Report, the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (2023 Act) introduced further amendments including expanding the areas where hand held scanners could be used to all 15 SNPs, public transport stations and public transport vehicles and extending the expiry date of Jack's Law to 30 April 2025.<sup>14</sup>

The 2023 Act strengthened the criteria for senior police officers issuing hand held scanner authorities, through the introduction of evidentiary and subjective tests (discussed further in section 2 below).<sup>15</sup>

The 2023 Act also introduced reporting obligations that require the Police Commissioner to publish information about each authority granted on the QPS website within two months, and report about the operation of Jack's Law in the QPS annual report.<sup>16</sup>

### 1.2.3 Queensland Community Safety Act 2024

In August 2024, the *Queensland Community Safety Act 2024* (2024 Act) expanded the scope of Jack's Law by including additional spaces such as shopping centres, licensed premises, retail outlets, sporting and entertainment venues, and rail lines. The expiration of Jack's Law was also extended to 30 October 2026.<sup>17</sup>

The 2024 Act expanded the considerations to be made by a senior officer when authorising the use of hand held scanners beyond the evidentiary and subjective tests to include:

*... that when a licensed premises or retail premises was not in a SNP, shopping centre or a sporting or entertainment venue, the senior police officer had to reasonably believe an offence would happen again at the premises in the next six months; that it is ordinarily open at least two days each week and open for business at a time between midnight and 5am; or in the previous six months at least two offences were committed by a person armed with a knife or other weapon.*<sup>18</sup>

The 2024 Act also introduced notification requirements on a police officer using Jack's Law.<sup>19</sup>

## 1.3 Committee's examination of the Bill

The following key issues were raised during the committee's examination of the Bill,<sup>20</sup> and are discussed in Section 2 of this Report:

- the impact of the removal of the sunset clause to make Jack's Law permanent in Queensland

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<sup>14</sup> Bill, explanatory notes, p 2.

<sup>15</sup> QPS, written briefing, 8 April 2025, p 2.

<sup>16</sup> QPS, written briefing, 8 April 2025, p 3.

<sup>17</sup> Bill, explanatory notes, p 3.

<sup>18</sup> QPS, written briefing, 8 April 2025, p 3.

<sup>19</sup> Bill, explanatory notes, p 3.

<sup>20</sup> Note that this section does not discuss all consequential, minor, or technical amendments.

- allowing police officers to use a hand held scanner in defined places without the need for senior officer authorisation
- expanding Jack's Laws to all public places and the safeguards that are applied to this power
- amendments to streamline the framework supporting Jack's Law including removal of certain notification and reporting requirements
- consideration of other preventative measures to combat knife crime.

#### 1.4 Inquiry process

The committee considered the following evidence during its inquiry into the Bill:

- 18 written submissions from a range of stakeholders (see Appendix A)
- a written briefing on the Bill from the Queensland Police Service on 8 April 2025
- a public briefing provided by the Queensland Police Service on 30 April 2025 (see Appendix B)
- a public hearing in Brisbane on 30 April 2025 (see Appendix C).

All inquiry documents including submissions, transcripts, written briefings and questions on notice, are available on the committee's inquiry web page.

#### 1.5 Consultation

The explanatory notes advise that, in respect of the changes to Jack's Law, consultation was undertaken with 'community and legal stakeholders' which informed the development of the Bill.<sup>21</sup> However, consultation was not undertaken in respect of the amendments to the TPD Act, MRQ Act and SES Act 'due to the nature of the amendment[s]'.<sup>22</sup>

#### 1.6 Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).



##### 1.6.1 Legislative Standards Act 1992

Assessment of the Bill's compliance with the LSA identified the following issue which is analysed in Section 2 of this Report:

- whether the amendments to Jack's Law have sufficient regard for the rights and liberties of individuals.

The committee was satisfied that the explanatory notes tabled with the Bill comply with the requirements of Part 4 of the LSA and contain a sufficient level of information to facilitate understanding of the Bill's aims and origins.

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<sup>21</sup> Bill, explanatory notes, p 12.

<sup>22</sup> Bill, explanatory notes, p 12.



### 1.6.2 Human Rights Act 2019

Assessment of the Bill's compatibility with the HRA identified issues with the following, which are analysed further in Section 2:

- the right to liberty
- the right to privacy
- right to not be arbitrarily detained
- freedom of movement
- right to equality before the law
- freedom of thought, conscience, religion and belief.

The committee found that the Bill is compatible with human rights. While several potential limitations were identified, the limitations were considered reasonable and demonstrably justified in the circumstances.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

### 1.7 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.



#### Recommendation 1

The committee recommends that the Bill be passed.



## 2. Examination of the Bill

This section discusses key themes which were raised during the committee's examination of the Bill.

### 2.1 Making Jack's Law permanent by removing sunset clause

Jack's Law seeks to prevent knife related crime by authorising police officers to use a hand held scanner to detect knives or other weapons in certain places. Currently, under the PPRA, the Jack's Law's provisions are set to expire on 30 October 2026. The Bill omits section 39L of the PPRA to remove the sunset clause applying to Jack's Law, thereby making it permanent.<sup>23</sup> The Bill meets a government commitment to make Jack's Law permanent.



#### 2.1.1 Stakeholder submissions and departmental advice

##### i. Stakeholder submissions

A range of views on making Jack's Law permanent was expressed by stakeholders. The Jack Beasley Foundation and the Queensland Police Union of Employees (QPU) supported the amendment.

The QPU stated that it was a strong advocate for Jack's Law, observing that the existing Jack's Law provisions had been well received by Queenslanders, and that its success has led to other Australian States and Territories (with the exception of ACT) adopting similar laws.<sup>24</sup> At the hearing, the QPU told the committee that Jack's Law has 'empowered' police to remove weapons from the community:

*...the introduction of these laws has resulted in significant seizure of bladed weaponry that would have been taken out into the general public and used, on some occasions, as weapons to cause alarm and, frankly, used on members of the public in a criminal manner. We are very supportive of the introduction of this law. It has empowered our police, who do an extraordinary job every day, to go out into the community and seize these weapons where they should not be in the first place.<sup>25</sup>*

The Jack Beasley Foundation also expressed strong support for the amendment describing Queensland's Jack's Law as a 'nation-leading law':

*These laws must keep moving forward as we see better ways of working and enhancing the current laws and making these amendments is a further step. Jack's Law is allowing weapons to be taken off the streets and we believe every weapon off the streets is a potential life saved. Jack's Law is also allowing for education and community engagement by Queensland police who have done a remarkable job and with the proposed changes this will only be enhanced.<sup>26</sup>*

The Jack Beasley Foundation submitted that hand held scanning activities are non-invasive, take minimal time, educate people, and are keeping the community safe. The

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<sup>23</sup> Minister, Queensland Parliament, Record of Proceedings, 2 April 2025, p 727.

<sup>24</sup> Public hearing transcript, Brisbane, 30 April 2025, p 5.

<sup>25</sup> Public hearing transcript, Brisbane, 30 April 2025, p 6.

<sup>26</sup> Public hearing transcript, Brisbane, 30 April 2025, p 2.

Jack Beasley Foundation shared that it has received positive feedback and messages of support from the community for hand held scanning and its expansion.<sup>27</sup>

Beyond the express purpose of the Bill, QPU went one step further, suggesting that Jack's Law should not only focus on the possession of knives and weapons, but also items such as magnets and small cutters/shears which are used for the removal of electronic anti-theft devices. The QPU submitted that these items are commonly found during hand held scanning exercises and are used in the commission of other offences. The QPU considers that the *Summary Offences Act 2005* provides a better statutory fit for possession of these items.<sup>28</sup>

ii. Departmental advice

In response to the suggestion made by the QPU, the QPS advised that the proposed amendments in relation to inclusion of other items located such as magnets, small cutters/shears which might be used for the removal of electronic anti-theft devices are a policy decision for the Government.<sup>29</sup>

## 2.2 Call for independent review of laws

Some stakeholders called for an independent review of the exercise of Jack's Law to better understand its impact on reducing knife crime and any potential unintended consequences.<sup>30</sup>

The Queensland Law Society (QLS) recommended that the Bill be amended to include regular independent reviews of the amendments every two years and address the following:

- the effectiveness of the new laws in achieving policing objectives
- the impact of the use of the new laws on communities in expanded locations
- public perceptions on how the new laws have been used by the police
- the effect of the use of the expanded police powers on police-community relations
- a cost/benefit analysis.<sup>31</sup>

The Queensland Victims' Commissioner, while supportive of making Jack's Law permanent, also recommended that the Bill be amended to provide for an independent statutory review by an appropriately qualified independent body. In the Queensland Victims' Commissioner's view:

*Such a body may be able to examine the operation of the expanded powers proposed in this Bill to ensure that no unintended consequences arise from*

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<sup>27</sup> Public hearing transcript, Brisbane, 30 April 2025, p 2.

<sup>28</sup> QPU, submission 7, p 3.

<sup>29</sup> QPS, response to subs, pp 11 and 12.

<sup>30</sup> See for example, Queensland Victims' Commissioner, submission 2.

<sup>31</sup> Submission 14, p 3

*these amendments and, where necessary, investigate any allegations of misconduct by QPS officers.*<sup>32</sup>

The Queensland Victims' Commissioner recommended that a review be conducted as soon as practicable after three years, and again after seven years, and that the Minister table the report in the Legislative Assembly.<sup>33</sup> The Queensland Victims' Commissioner pointed to similar interstate bodies, such as the New South Wales Law Enforcement Conduct Commission noting it frequently undertakes such functions when new police powers are introduced.<sup>34</sup>

Some submitters recommended a review and evaluation prior to the implementation of any legislative changes.<sup>35</sup> In particular, stakeholders called for data on young people being wanded, the number of knives found during search operations, the impact on crime rates involving knives in the trial locations, and any unintended consequences of the current operation. For example, Peakcare called for:

*... data collection about the demographics of young people being wanded by police, particularly those found carrying knives on public transport or in safe night precincts under Jack's Law. This data is crucial to ensure these interventions do not disproportionately target young people based on race or cultural identification and to help design programs that more effectively target those most likely to engage in knife crime*<sup>36</sup>

Similarly, the Queensland Indigenous Family Violence Legal Service (QIFVLS) suggested that a report or evaluation of the current operation would better inform feedback on the proposed amendments.<sup>37</sup>

In opposing the Bill, in the absence of a second evaluation, the Human Rights Law Centre (HRLC) expressed concern that the Bill will permanently and significantly expand police hand held scanning powers without sufficient evidence or safeguards to justify the limitation on fundamental human rights.<sup>38</sup>

i. Departmental advice

In response to views about the need for further evaluation on the impact of the laws the QPS stated that it remains 'committed to working with government and stakeholders to support a safer Queensland' and 'the decision to conduct a review of Jack's Law is a matter for government'.<sup>39</sup>

The QPS further noted that the Bill does retain QPS' reporting mechanisms, and the Police Commissioner is required to include in the QPS annual report, the following information relating to Jack's Law:

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<sup>32</sup> Submission 2, p 9.

<sup>33</sup> Submission 2, p 9.

<sup>34</sup> Submission 2, p 9.

<sup>35</sup> Queensland Law Society, submission 14, p 2.

<sup>36</sup> PeakCare, submission 4, p 3.

<sup>37</sup> Queensland Indigenous Family Violence Legal Service, submission 17, p 1.

<sup>38</sup> Human Rights Law Centre, submission 18, p 5.

<sup>39</sup> QPS, response to submissions, 24 April 2025, pp 2, 10, 12.

- the number of hand held scanner authorities issued during the financial year
- the number of people required to submit to the use of hand held scanners
- the number of knives or other weapons that were detected
- the number of times a power to search a person without warrant was exercised; and
- the number and types of charges made against a person as a result of hand held scanning.<sup>40</sup>

QPS also advised the committee that, at present, it is impossible to collect complete and reliable demographic data on persons who are wanded because officers lack authority to collect such information. At the public hearing, QPS explained:

*A person is not required to provide their name or date of birth to a police officer during the use and exercise of handheld scanning, so it is only if the person self-identifies their ethnicity and gender to a police officer. The data that QPS captures is only as good as that self-identification or previous identification when it is conducted.*<sup>41</sup>

Acting Assistant Commissioner Rhys Wildman, from QPS, noted that in some cases this had led to the collection of inaccurate data that over-states the extent to which members of the First Nations community are selected for wandering.<sup>42</sup>

#### Committee comment



The committee acknowledges the recommendations from stakeholders to conduct an independent evaluation or review of the operation of Jack's Law to monitor its impact on reducing knife crime and identify any potential unintended consequences. The committee welcomes the advice from the QPS that the Bill retains the ongoing reporting mechanisms which require the Police Commissioner to ensure the QPS annual report includes information on Jack's Law and the use of hand-held scanners.

### 2.3 Concerns regarding 'net widening' impact of amendments

Several submitters expressed concern that the amendments could increase the number of people coming into contact with the criminal justice system and referred to the findings of the Griffith Review. For example, the QLS and Peakcare both referenced the Griffith Review:

<sup>40</sup> QPS, response to submissions, 24 April 2025, pp 2, 3, 12.

<sup>41</sup> Anna Papoutsakis, Manager, Strategic Policy and Legislation, QPS, public briefing transcript, Brisbane, 30 April 2025, p 6.

<sup>42</sup> Public briefing transcript, Brisbane, 30 April 2025, p 6.

*In terms of equity, wandng has been inconsistently used across different groups in the community. While the targeting of young people was clearly intended under the legislation, and there is an evidence base for selecting more males than females, there is some evidence of inappropriate use of stereotypes and cultural assumptions by a small number of officers in determining who to select for wandng.*<sup>43</sup>

The HLRC shared its concern about unintended consequences - including discriminatory policing and net widening to non-weapon-related offences, and the impact on marginalised and vulnerable groups into the criminal legal system.<sup>44</sup> QATSICPP also raised significant concerns about the application of the Bill, particularly its potential to have a net-widening effect and the effect of disproportionately impacting Aboriginal and Torres Strait Islander youth.<sup>45</sup>

Similarly, the Alcohol and Drug Foundation referenced the Griffith Review, specifically the increase in the number of drug detections, and emphasised that care should be taken to ensure that hand held scanning does not lead to a by-passing of reasonable suspicion safeguards and net-widening among minor offenders who are not carrying weapons.<sup>46</sup>

Following the findings of the Griffith Review, QATSICPP recommended that police should have mandatory cultural competency training and ensure police officers understand their obligations under anti-discrimination legislation. QATSICPP recommended an ongoing independent review, one year after the Bills implementation and suggested ongoing community consultation. The Queensland Human Rights Commission (QHRC) also recommended the QPS ensure its policies and training are updated.<sup>47</sup>

i. Departmental advice

QPS advised that the safeguards associated with exercising Jack's Law will remain as set out in section 39H of the PPRA. It noted that police officers must activate their body worn camera when undertaking their duties and the QPS delivers multicultural training and First Nations cultural capability training, which is mandatory face to face training for all QPS officers and focuses on trauma-informed and victim-centric awareness.<sup>48</sup>

Police officers are also required to complete specific training in relation to the Jack's Law framework, which includes training to select persons to be scanned on a random basis.<sup>49</sup>

## **2.4 Removal of authorisation process**

The Bill removes the statutory requirement for a police officer to obtain authority from a senior officer<sup>50</sup> prior to using a hand held scanner in a relevant place. This includes

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<sup>43</sup> Peakcare, submission 4, p 5; QLS, submission 14, p 2.

<sup>44</sup> Human Rights Law Centre, submission 18, p 3, 5.

<sup>45</sup> Submission 10, p 3.

<sup>46</sup> Alcohol and Drug Foundation, submission 3, p. 1.

<sup>47</sup> Submission 9, p 5.

<sup>48</sup> QPS, response to submissions, 24 April 2025, p 5.

<sup>49</sup> QPS, response to submissions, 24 April 2025, p 5.

<sup>50</sup> A police officer of at least the rank of inspector or a police officer of at least the rank of senior sergeant authorised by the commissioner to issue an authority under part 3A of the PPRA: PPRA, s 39.

removal of the evidentiary and subjective tests required under the current framework.<sup>51</sup>

Currently, under the existing legislative framework, a senior police officer may authorise the use of a hand held scanner in relevant places which includes:

- a safe night precinct
- a public transport station and public transport vehicles travelling to/from the station
- a train or light rail vehicle travelling on a stated rail line and public transport stations along the line
- a licensed premises, retail premises, shopping centre, or at a sporting or entertainment venue.<sup>52</sup>

On current application of the PPRA, prior to authorising the use of hand held scanners in these relevant locations, the relevant senior officer must first conduct an assessment of two distinct tests; the 'evidentiary' and 'subjective' tests which are set out below.

#### Current tests required under the PPRA

##### **Evidentiary test – section 39C(2)(a) of the PPRA**

The evidentiary test requires the senior police officer to review QPS databases to determine if certain offences had historically occurred at the relevant place where a hand held scanner is proposed to be used and consider if any of the following happened at the relevant place in the last 6 months:

- a) at least 1 offence has been committed by a person armed with a knife or other weapon
- b) at least 1 offence has been committed involving violence against a person punishable by 7 years imprisonment or more under the Criminal Code, or
- c) more than 1 offence has been committed against section 50(1) (Possession of weapons) or section 51(1) (Possession of a knife in a public place or school) of the *Weapons Act 1990*

Additionally, if the relevant area is a retail premises not located in a safe night precinct, shopping centre or sporting or entertainment venue:

- a) the premises must also ordinarily, at least 2 days each week, be open for business at a time between midnight and 5.00am, or
- b) at least 2 offences were committed at the premises by a person armed with a knife or other weapon in the previous 6 months.

<sup>51</sup> QPS, written briefing, 8 April 2025, p 3.

<sup>52</sup> QPS, written briefing, 8 April 2025, pp 3 and 4.



### **Subjective test – sections 39C(2)(b)-(e) of the PPRA**

Once the evidentiary test is satisfied, the senior police officer must consider the following issues outlined in the subjective test:

- a) the effect the use of hand held scanners may have on lawful activity at the relevant place
- b) if the use of hand held scanners has previously been authorised for the relevant place, whether the use of hand held scanners under the authority identified persons carrying knives or other weapons
- c) whether they consider the use of hand held scanners likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon, and
- d) for licensed premises not located in a safe night precinct, shopping centre or sporting or entertainment venue, whether they have reasonable grounds to believe an offence relevant to the evidentiary test may be committed again at the premises in the next 6 months.

According to the explanatory notes, the amendment will 'empower police officers to employ Jack's Law as a proactive policing strategy that is flexible and adaptive to meet all circumstances.'<sup>53</sup>

At the public briefing, the QPS outlined how the removal of the authorisation process currently contained in the PPRA would remove some of the administrative burden on police conducting hand held scanning:

*The senior officer has to be an inspector level or certain senior sergeants. If there is an event that intelligence have missed and there is an influx of people and we are required to do scanning at that stage, there can be a reluctance of some senior officers because they are just very time poor. To get an authorisation at short notice is a burden on whoever is doing that. At the moment, we are looking weeks ahead before we do an authorisation for an operation coming on because it is a burden, and you could be doing multiple handheld scanning authorisations.*<sup>54</sup>

#### **2.4.1 Stakeholder submissions and departmental advice**

##### **i. Stakeholder submissions**

Inquiry stakeholders expressed mixed views on the removal of the authorisation process.

The Beasley Foundation and QPU supported the amendment which enabled the use of a hand held scanner in a relevant place, without authorisation.<sup>55</sup>

<sup>53</sup> Bill, explanatory notes, p 7.

<sup>54</sup> Public briefing transcript, Brisbane, 30 April 2025, p 3.

<sup>55</sup> Public hearing transcript, Brisbane, 12 May 2025, pp 1-2, 5; Jack Beasley Foundation, submission 16, p 1; QPU, submission 7, p 2.

The QPU further recommended that consideration be given to expanding the definition of 'relevant place' to which no authorisation is required to include 'Southbank, Roma Street rail and parkland precinct, other prominent public spaces plus key shopping and pedestrian malls and night time economy areas (whether part of an SNP or not)'.<sup>56</sup>

Other submitters expressed concerns, arguing that the approval process was an important safeguard and removal could erode public confidence in the process. For example, the Queensland Victims' Commissioner submitted:

*While the Bill's proposed changes ... are aimed at improving efficiencies for police, their removal may erode public confidence in police responses. Any erosion in public confidence and trust that police are exercising their powers fairly and in a non-discriminatory manner may also result in a decrease in reporting of other serious crime, which may ultimately impact upon the support received by those victims of crime.*<sup>57</sup>

Legal Aid Queensland (LAQ) submitted that the approval mechanism provides an appropriate level of oversight and protection.<sup>58</sup> LAQ suggested that the subjective test under the current framework should remain, and the definition of 'senior police officer' be amended and lowered to address any administrative burden.<sup>59</sup>

QHRC recommended that the authorising environment requiring senior police officer approval should be required, and both the evidentiary and subjective tests be maintained.<sup>60</sup>

In its submission, QATSICPP outlined that it did not support the removal of safeguards including the requirement of senior officer authorisation prior to conducting hand held scanning and the removal of notice requirements to individuals. Additionally, it is concerned there is no appropriate oversight mechanisms, or accountability for police misusing their powers.<sup>61</sup>

At the public hearing, the QLS told the committee:

*The society supports oversight in relation to the exercise of these extraordinary powers because that is one very important safeguard to ensure that the power is being exercised as it is intended. Our members report, and particularly in relation to the Criminal Law Committee, a concern about potential misuse of these powers if there is not that oversight and, indeed, the Griffith review has produced some indication of those powers not always being exercised in the manner in which they were intended. So it is very important from the society's perspective that that oversight is retained. The very requirement for a police officer to justify why they intend or foresee that the exercise of that power is necessary is important because if it cannot be justified it ought not be used.*<sup>62</sup>

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<sup>56</sup> Submission 7, p 3.

<sup>57</sup> Submission 2, p 7.

<sup>58</sup> Submission 5, p 2.

<sup>59</sup> Submission 5, p 3.

<sup>60</sup> Submission, 9, p 5.

<sup>61</sup> Submission 10, p 4.

<sup>62</sup> Public hearing transcript, Brisbane, 30 April 2025, p 14.



ii. Departmental advice

In response to concerns from stakeholders regarding the removal of the authorisation process for relevant places, QPS reiterated that the safeguards currently contained in section 39H of the PPRA will continue to apply in respect of the exercise of the wandings powers.<sup>63</sup>

QPS also advised the committee that, in the experience of its officers, the public response to wandings has been overwhelmingly positive. One officer with extensive experience of wandings operations shared his experience with the committee, explaining:

*The public perception as we are doing them is one of the best policing moves. I have been in the job for 20 years, and the positivity from the public as we are doing these is unbelievable. I have done nearly 6,000 people and 90 per cent of them are thanking me after.... Even if you take away the aspect of how many weapons we have taken off people, when people see what we are doing there is a preventive nature about it and even positivity from members of the public so I cannot think of any other power that police have had that has had such an impact.*<sup>64</sup>

QPS noted since 2021 its officers have conducted nearly 130,000 wandings, but it has received only two complaints, neither of which led to further action.<sup>65</sup>

## 2.5 Safeguards for exercise of wandings powers in a relevant place

Under the current framework in the PPRA, section 39H provides a variety of safeguards aimed at ensuring police use of hand held scanners in relevant public places is appropriate and proportionate. These safeguards require that police officers:

- exercise the power in the least invasive way possible in the circumstances<sup>66</sup>
- only detain the person for so long as is reasonably necessary to exercise the power<sup>67</sup>
- provide identification information to the person regarding their position as a police officer<sup>68</sup>
- offer to give the person a hand held scanner information notice and, if the person accepts the offer, give the notice to the person.<sup>69</sup>

In its response to submissions, QPS advised that the Bill maintains these safeguards.<sup>70</sup> However, the Bill does remove the requirement to give a written notice currently provided in section 39H(4)(e) of the PPRA.<sup>71</sup> This is discussed further below.

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<sup>63</sup> QPS, response to submissions, 24 April 2025, pp 5, 7.

<sup>64</sup> Acting Senior Sergeant Michael Chalmers, QPS, public briefing transcript, Brisbane, 30 April 2025, p 3.

<sup>65</sup> Public briefing transcript, Brisbane, 30 April 2025, p 10.

<sup>66</sup> PPRA, s 39H(2).

<sup>67</sup> PPRA, s 39H(3).

<sup>68</sup> PPRA, ss 39H(4)(a)-(c).

<sup>69</sup> PPRA, s 39H(4)(e).

<sup>70</sup> QPS, response to submissions, 24 April 2025, pp 5, 7.

<sup>71</sup> Bill, cl 15.

QPS also advised that officers acting under Jack's Law are to select persons to be scanned on a random basis. Additionally, police officers are required to use their body worn cameras when conducting police powers.<sup>72</sup>



### 2.5.1 Stakeholder submissions and departmental advice

#### i. Stakeholder submissions

Regarding additional safeguards, the Queensland Victims' Commissioner suggested that there should be a requirement for wandings to be undertaken by an officer of the same gender, where reasonably practicable.<sup>73</sup>

#### ii. Departmental advice

In response to this recommendation, QPS explained that in 2023, amendments came into effect to enhance gender safeguards during the exercise of police powers including the ability of a person to express a preference regarding the gender of the officer conducting various actions.<sup>74</sup>

QPS advised that while this preference will be respected wherever possible, there are exceptions. For example, the preference may not be accommodated if an immediate search is necessary, the preference was made for an improper purpose, or it is not reasonably practicable.<sup>75</sup> QPS also noted that this was reflected in its Operational Procedures Manual.<sup>76</sup>

Further, the QPS explained that the nature of hand held scanners is non-invasive:

*It does not involve touching the person or requiring them to remove any of the individuals clothing. The procedure is quick and non-invasive. It is similar to other security processes individuals undergo, including metal detection at an airport, or before entering a large event, which do not attract legislative protection on the basis of gender. Should a search result because the person either failed to comply with a requirement to submit to the use of a hand held scanner or failed to produce the thing activating the hand held scanner, the safeguards for searching a person would apply.*<sup>77</sup>

### 2.6 Expansion of the application of Jack's Law to include public places that are not 'relevant places'

The Bill expands the application of Jack's Law to other public places that are not otherwise defined as relevant places.<sup>78</sup>

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<sup>72</sup> QPS, written briefing, 8 April 2025, p 7.

<sup>73</sup> Submission 2, pp 3 and 8.

<sup>74</sup> QPS, response to submissions, 24 April 2025, p 4.

<sup>75</sup> QPS, response to submissions, 24 April 2025, p 9.

<sup>76</sup> QPS, response to submissions, 24 April 2025, p 9.

<sup>77</sup> QPS, response to submissions, p 9.

<sup>78</sup> Bill, cl 11 (amends s 39C, PPRA); Bill, explanatory notes, p 7.

According to the explanatory notes, this provision captures areas characterised by factors such as:

- high pedestrian density
- a predominance of licenced premises
- a location where there is an elevated concentration of people in the area due to an event or where police have received criminal intelligence about the use of knives, or
- other weapons in the place.<sup>79</sup>

The Bill proposes that scanning activities undertaken in a public place must first be authorised by a senior officer.<sup>80</sup> Senior police officers must be satisfied 'that the use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon' in order to give the authorisation for the use of hand held scanners.<sup>81</sup>

This authority can only be granted for a period of no more than 12 hours on any day or time, with each additional 12-hour period requiring a separate authorisation.<sup>82</sup>

The Bill also clarifies that where an individual retreats to a place that is not a public place (for example, a private residence), the Jack's Law framework will not apply, and a police officer will consider the availability of other policing powers.<sup>83</sup>

QPS advised that this amendment is a response to an increasing prevalence of knife related crime in public places that are not prescribed relevant public places:

*This poses a significant risk to community safety. This is evidenced by recent tragic events in the community involving knives in the commission of serious and violent offences in a public place.*<sup>84</sup>

At the public briefing, QPS also extrapolated the matters that may be considered by a senior police officer when making a determination to authorise hand held scanning in a public place:

*When considering that criteria, a senior officer could consider, as an example: criminal intelligence; the concentration of licensed premises in the area; whether there is a concentration of people due to an event; if the use of handheld scanners has previously been authorised; and whether the use of handheld scanners identified persons carrying knives or other weapons. It is a subjective test.*<sup>85</sup>

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<sup>79</sup> Bill, explanatory notes, p 7.

<sup>80</sup> Bill, explanatory notes, p 7.

<sup>81</sup> Bill, explanatory notes, p 8.

<sup>82</sup> QPS, written briefing, 8 April 2025, p 7.

<sup>83</sup> QPS, written briefing, 8 April 2025, p 7.

<sup>84</sup> QPS, response to submissions, 24 April 2025, p 2.

<sup>85</sup> Public briefing transcript, Brisbane, 30 April 2025, p 4.

It was noted at the public briefing that this would support proactive wandering at such places, which is not permitted under the current evidentiary and subjective tests required by the PPRA.<sup>86</sup>



### 2.6.1 Stakeholder submissions

There were mixed views submitted on the proposed expansion of Jack's Law to public places. The Jack Beasley Foundation and QPU supported expanding Jack's Law to public places that are not relevant places.<sup>87</sup> The QPU also suggested that the authorisation period provided for within the Bill should be extended to provide an authorisation period of 3-6 months, rather than 12 hour periods, with the exception of street festivals and short period gatherings or events.<sup>88</sup>

Conversely, organisations including the Queensland Victims' Commissioner and QHRC, did not support the expansion to other public places. At the public hearing, the Queensland Victims' Commissioner told the committee:

*These powers are an exception to normal legal standard, and expanding them too broadly could risk blurring the line between extraordinary and everyday policing. I think they are meant for genuine high-risk environments, for detecting and preventing knife related crime, so they should not be general powers in that way because it can increase the sense of unjustified surveillance rather than protection.*<sup>89</sup>

QLS submitted that 'expanding the exercise of that power into public places generally is at this stage not supported by any evidence in terms of the efficacy of the trial as it has been conducted to date'.<sup>90</sup>

The Queensland Council for Civil Liberties (QCCL) opposed the expansion of Jack's Law to other public places on the basis that the amendment would 'justify further forms of suspicion less search'.<sup>91</sup>

In response to concerns about expanding hand held scanning into public places, the QPS explained that authority is still required by a senior police officer. It stated:

*A senior police officer may issue an authority in relation to a public place if the senior officer considers the use of a handheld scanner would be likely to be effective in detecting or deterring the commission of an offence involving the use of a knife or other weapon in or on the public place.*

*When considering that criteria, a senior officer could consider, as an example: criminal intelligence; the concentration of licensed premises in the area; whether there is a concentration of people due to an event; if the use of handheld scanners has previously been authorised; and whether the use of handheld scanners*

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<sup>86</sup> Public briefing transcript, Brisbane, 30 April 2025, p 4.

<sup>87</sup> Jack Beasley Foundation, submission 16, p 1; QPU, submission 7, p 2.

<sup>88</sup> Submission 7, pp 2-3.

<sup>89</sup> Public hearing transcript, Brisbane, 30 April 2025, p 12.

<sup>90</sup> Public hearing transcript, Brisbane, 30 April 2025, p 14.

<sup>91</sup> Submission 15, p 3.

*identified persons carrying knives or other weapons. It is a subjective test. As has been previously mentioned, the current criteria for relevant places is limited to satisfying the evidentiary and subjective test, which does not permit the use of proactive wandering.*<sup>92</sup>

## **2.7 Proposals to streamline the legislative framework**

The Bill proposes to streamline the existing legislative framework by removing certain notification and public reporting requirements.

### **2.7.1 Notification requirements**

The Bill removes the obligation for a police officer to notify a manager or occupier of a licensed premises, retail premises, a shopping centre or a sporting or an entertainment venue prior to the exercise of Jack's Law.<sup>93</sup> The Bill also removes the requirement for a police officer to offer to provide a written notice to individuals subject to hand held scanning.<sup>94</sup>

According to the explanatory notes, 'these additional requirements on police officers, potentially delay the timely execution of their duties.'<sup>95</sup>

### **2.7.2 Removal of reporting requirements**

The Bill also proposes to remove the existing requirement for the Police Commissioner to publish notices about hand held scanner authorities on the QPS website.<sup>96</sup> According to the explanatory notes, this is currently seen as duplicative, particularly due to the existing legislative requirement to report on Jack's Law in the QPS annual report.<sup>97</sup>

### **2.7.3 Stakeholder submissions and departmental advice**

#### **i. Stakeholder submissions**

#### **Notification requirements**

Several inquiry stakeholders including the Queensland Victims' Commissioner, PeakCare, QHRC, QATSICPP and QLS expressed concern with the proposal to remove certain notification requirements.<sup>98</sup>

The Youth Advocacy Centre (YAC) strongly opposed the removal of notification requirements on request, particularly for young people, who may be less aware of their rights:

*Many young people are unaware of their rights and obligations and can be overwhelmed or intimidated when approached by police, with the possibility of the situation escalating if not handled properly. Providing an information notice is*

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<sup>92</sup> Public briefing transcript, Brisbane, 30 April 2025, p 4.

<sup>93</sup> Bill, explanatory notes, p 8.

<sup>94</sup> Bill, explanatory notes, p 8.

<sup>95</sup> Explanatory notes, p 8.

<sup>96</sup> Explanatory notes, p 9.

<sup>97</sup> Explanatory notes, p 9.

<sup>98</sup> Submission 2 pp 3, 8-9; submission 4, p 4; submission 9, pp 6, 13-14; submission 10, p 4; submission 14, p 3.

*arguably not burdensome for police, especially when it helps inform young people of their rights in intimidating situations. ... Many young people are ignorant of even their most basic rights and obligations when dealing with the police regardless of how longstanding the law is. The notice given to children and young people under 18 should be clearly written in a child-friendly style.*<sup>99</sup>

This was echoed by QCOSS at the public hearing in Brisbane.<sup>100</sup>

### Reporting requirements

Several inquiry stakeholders including the Queensland Victims' Commissioner, QHRC and YAC did not support the removal of the reporting requirements.<sup>101</sup>

#### ii. Departmental advice

### Notification for individuals and premises

In response to concerns around the removal of notification requirements for individuals, QPS explained that the hand held scanner information notice contains the exact written information of which a police officer informs the person prior to conducting the scan and whilst their body worn camera is activated.<sup>102</sup>

In response to the removal of notification requirements for premises, QPS explained that to ensure premises have the opportunity to inform their security staff of potential hand held scanning operations, QPS policies will be amended to state that where practicable, a police officer may notify a manager or occupier of a premises orally or in writing that a hand held scanning operation will be conducted and the timings of such operations.<sup>103</sup>

### Removal of reporting requirements

In response to concerns about the removal of reporting requirements, QPS advised that the Bill retains other reporting mechanisms including, as previously discussed, requiring the Police Commissioner to publish an annual report with information on the use of hand held scanners.<sup>104</sup>

## **2.8 Compatibility with human rights under the HRA**

### **2.8.1 Nature of the rights impacted**

As acknowledged in the statement of compatibility, the ability of a police officer to require a person to stop and submit to the use of a hand held scanner, without warrant or 'reasonable suspicion', is likely to impinge on that person's:

- right to liberty<sup>105</sup> (even for a limited amount of time)

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<sup>99</sup> Submission 8, p 4.

<sup>100</sup> Public hearing transcript, Brisbane, 30 April 2025, p 17.

<sup>101</sup> Submission 2, pp 3, 7; submission 8, pp 2-3; submission 9, p 14.

<sup>102</sup> QPS, written briefing, 8 April 2025, p 8.

<sup>103</sup> QPS, written briefing, 8 April 2025, p 8.

<sup>104</sup> QPS, response to submissions, 24 April 2025, pp 3, 12.

<sup>105</sup> HRA, s 29(1).



- right to privacy<sup>106</sup> (in that a search using a hand held scanner interferes with a person's physical integrity)
- right to not be arbitrarily detained<sup>107</sup> (on the basis that a police officer is not required to hold a reasonable suspicion prior to selecting a person to be scanned)
- freedom of movement<sup>108</sup> (on the basis that if a person leaves a 'relevant place' or a stated 'public place' and the search has begun, the search can continue; or potentially more broadly in that the presence of hand held scanners in a public place may deter people from moving freely within that space)
- right to equality before the law<sup>109</sup> (on the basis that, in the absence of a reasonable suspicion test, selection of individuals to submit to scanning may be impacted by unconscious bias, stereotyping or cultural assumptions<sup>110</sup>)
- freedom of thought, conscience, religion and belief<sup>111</sup> (in that, for a member of the Sikh religion,<sup>112</sup> being stopped by police and required to submit to a scan may impinge upon their ability to freely practice their religion).

Further, broadening the scope of the provisions and making them permanent is likely to increase the risk that children will have repeated interactions with the police, which may go on, in some circumstances, to limit the rights of children to protection in their best interests.<sup>113</sup>

While some of these rights may be impacted for only a short period of time, the concern from a human rights perspective is the arbitrary nature of the 'stop and scan' powers. As the statement of compatibility notes:

*The highest impost on human rights is that a police officer can arbitrarily stop and scan a person, in the absence of any reason, and in relevant places, without an authorisation from a senior police officer.*<sup>114</sup>

Further, the refusal to submit to a hand held scan is considered a 'prescribed circumstance'<sup>115</sup> for which a police officer may then search the person (and their possessions) without a warrant more generally. The police officer may then seize other things in accordance with section 29 of the PPRA.

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<sup>106</sup> HRA, s 25(a); Bill, statement of compatibility, p 6.

<sup>107</sup> HRA, s 29(2).

<sup>108</sup> HRA, s 19; Bill, statement of compatibility, pp 5-6.

<sup>109</sup> HRA, s 15(2) & (3). Bill, statement of compatibility, p 5.

<sup>110</sup> Griffith Criminology Institute, *Review of the Queensland Police Service Wandering Trial* (Griffith Report), August 2022, p iv.

<sup>111</sup> HRA, s 20.

<sup>112</sup> Who carry on their person a small knife-like object known as a kirpan.

<sup>113</sup> HRA, s 26(2).

<sup>114</sup> Bill, statement of compatibility, p 9.

<sup>115</sup> PPRA, s 30.

The potential for further flow-on effects from a human rights perspective was noted in the Griffith Report:

*Given the increased number of drug detections linked to wandering in Surfers Paradise, care needs to be taken to ensure that wandering does not lead to a by-passing of reasonable suspicion safeguards, and net-widening among minor offenders who are not carrying weapons, but nevertheless come to police attention purely because of wandering practices. The entry of larger numbers of these individuals into formal criminal justice processes could have many adverse flow-on effects.*<sup>116</sup>

### **2.8.2 The purpose of the limitations**

The purpose of the limitations is to maximise and promote community safety and security by reducing knife crime.<sup>117</sup> This is through detecting and removing knives in the community and the deterrence of unlawful possession of knives.<sup>118</sup>

Another purpose is to promote the rights of individuals in the community to their right to life<sup>119</sup> and right to security<sup>120</sup> which can involve the state taking measures to protect the security of persons in their jurisdiction.

### **2.8.3 The relationship between the limitation and its purpose**

While community safety through the reduction of knife crime is a legitimate purpose, the question is whether this purpose would be achieved by the expansion of the hand held scanning provisions. The statement of compatibility presents statistics to support the measure:

*Between 3 April 2023 and 12 March 2025, 1,043 weapons were located with 102,266 persons being scanned through 10,128 authorisations made by senior police officers. This resulted in 841 charges under the Weapons Act 1990. Additionally, statistics obtained in relation to the number of reported offences involving knives in a public place (excluding relevant places) identified total offences have increased overall since 2021 from 5,895 offences to 6,447 in 2024.*<sup>121</sup>

The explanatory notes consider that 'any knife seized through Jack's Law is a reflection of the success of this policing strategy as it is a weapon that can potentially be used to later cause harm to a member of the community.'<sup>122</sup>

The Griffith Report found that 'both police officers and community stakeholders reported feelings of public safety had improved as a result of the trial'. The Griffith Report noted that these 'feelings may potentially be attributable to increased visibility of police in the

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<sup>116</sup> Griffith Report, p v.

<sup>117</sup> Bill, statement of compatibility, p 7.

<sup>118</sup> Bill, statement of compatibility, p 4.

<sup>119</sup> HRA, s 16; Bill, statement of compatibility, pp 3-4.

<sup>120</sup> HRA, s 29(1); Bill, statement of compatibility, pp 3-4.

<sup>121</sup> Bill, statement of compatibility, p 8.

<sup>122</sup> Bill, explanatory notes, p 7.



two areas due to extra resourcing, increased public engagement, and positive media coverage of wandering during the trial'.<sup>123</sup>

#### **2.8.4 Whether there are less restrictive and reasonably available ways to achieve the purpose**

The statement of compatibility considers there to be no less restrictive and reasonably available ways to achieve the purpose.<sup>124</sup> Expansion of the hand held scanning provisions to cover public places and the removal of the authority required for relevant places is considered necessary to 'proactively scan, detect and deter knives in the community.'<sup>125</sup> The statement of compatibility emphasises the need for flexibility<sup>126</sup> and notes the following legislative safeguards in place to lessen the impact on human rights:

*... a police officer must:*

- *exercise the power under a hand held scanner authority in the least invasive way that is practicable in the circumstances;*
- *only detain the person for so long as is reasonably necessary to exercise the power;*
- *if requested by the person, inform the person of the police officer's name, rank and station, or in writing if requested;*
- *produce the police officer's identity card for inspection, unless the police officer is in uniform; and*
- *inform the person that the person is required to allow the officer to use a hand held scanner to determine whether the person is carrying and knife or other weapons.*<sup>127</sup>

The statement of compatibility also notes that the current annual reporting obligations would remain,<sup>128</sup> which provides a level of oversight on how the hand held scanning provisions are being used by police.

#### **2.8.5 Stakeholder submissions and departmental advice**

##### i. Stakeholder submissions

Several submitters expressed concern about potential human rights implications arising from the Bill. For example, QCCL opposed the Bill, submitting that it:

*abrogates a fundamental protection of individual liberty, by removing the requirement of a police officer to have a reasonable suspicion prior to conducting a search of a person.*<sup>129</sup>

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<sup>123</sup> Griffith Report, p iv.

<sup>124</sup> Bill, statement of compatibility, p 8.

<sup>125</sup> Bill, statement of compatibility, p 8.

<sup>126</sup> Bill, statement of compatibility, p 8.

<sup>127</sup> Bill, statement of compatibility, p 7; PPRA, s 39H.

<sup>128</sup> Bill, statement of compatibility, p 8; PPRA, s 808C.

<sup>129</sup> Submission 15, pp 1-2.

PeakCare also raised concern about the potential human rights implications, particularly with the expansion to include public places that are not relevant places and that this could target specific individuals.<sup>130</sup>

Similarly, Hub Community Legal acknowledged that Jack's Law aims to prevent violent offences by reducing the number of knives and other weapons in public places but submitted that the proposed Bill, by enabling police to scan and detain a person for the purposes of a search, will restrict human rights. The Hub Community Legal further submitted that the expansion of the use of scanners to all public places, and not just 'relevant places' such as entertainment and safe night precincts, constitutes an infringement on human rights and freedoms.<sup>131</sup>

LAQ acknowledged that while hand held scanning is minimally invasive, it still limited human rights. LAQ submitted that the current arrangements, whereby senior police officers are required to provide authority for the use of Jack's Law, are a less restrictive and reasonably available way to achieve the purpose of protecting the community from knife crime.<sup>132</sup>

ii. Departmental advice

In its response to submissions regarding the human rights aspects of the Bill, QPS referred to the statement of compatibility and noted that the Bill is consistent with the human rights protected under the HRA because 'it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom'.<sup>133</sup>

### Committee comment



The committee has considered the human rights aspects of Jack's Law in detail.

Maximising and promoting community safety through the reduction of knife crime is a legitimate purpose. Reducing violent crime is an important component of ensuring that all Queenslanders can enjoy other rights guaranteed by the HRA, such as the right to life and right to security of person.

On balance, the committee is satisfied that the enhancement of community security and safety that this Bill brings to Queensland outweighs the limitation of the rights of the individual who is subject to hand held scanning.

<sup>130</sup> Submission 4, p 4.

<sup>131</sup> Submission 6, pp 1-2.

<sup>132</sup> Submission 5, pp 1-2.

<sup>133</sup> QPS, response to submissions, 24 April 2025, pp 6, 10, 18, 20, 23; Bill, statement of compatibility, p 13.



## 2.9 Consistency with fundamental legislative principles

Fundamental legislative principles require that legislation has sufficient regard to the rights and liberties of individuals.<sup>134</sup>

The amendments to Jack's Law proposed in the Bill allow a police officer to arbitrarily stop and scan a person in particular places. If the person does not comply with the relevant requirements in the PPRA, the police officer is able to search the person without a warrant. Searching a person impacts the person's rights and liberties through a potential interference with an individual's freedom of movement, right to privacy and principles of natural justice. While the power to conduct hand held scanning may interfere with individual rights, it is arguable that 'this needs to be balanced against the importance of proactive policing to enhance community safety and security'.<sup>135</sup>

In this regard, the explanatory notes provided:

*The powers exercised are limited to a cohort of people who are within a legislatively defined relevant place, or a public place that is not a relevant place during the period when an authority from a senior police officer exists. These locations have been identified as places requiring the use of a hand held scanner to minimise the risk of physical harm caused by knives and police officers should be provided with the proactive powers to detect and deter offences involving the unlawful possession of knives to enhance community safety and security. Further, interference and inconvenience to a person is minimised as far as possible. Hand held scanning of the person can be completed in a short period of time and in a non-invasive manner as the use of a hand held scanner involves the passing of the device over the exterior of the person's clothing and belongings.*<sup>136</sup>

As noted above, the explanatory notes further provide a list of legislative safeguards which exist to reduce the 'risk of unreasonable interference with an individual's rights and liberties'.<sup>137</sup>

By way of a safeguard for the expansion to additional public places, the Bill would require a senior police officer to authorise scanning activities undertaken in a public place that is not a relevant place. The explanatory notes explained that '[t]his provides a degree of oversight that promotes the appropriateness of using hand held scanners in these areas'.<sup>138</sup>

However, it is noted that the safeguard of authorisation by a senior police officer would be removed for relevant places. The explanatory notes assert that removing the authorising environment in these areas 'provides police with the necessary power to proactively scan, detect and deter the unlawful possession of knives in the community'.<sup>139</sup>

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<sup>134</sup> *Legislative Standards Act 1992* (LSA), s 4(2)(a).

<sup>135</sup> LSA, ss 4(2)(a), 4(3)(b); Bill, explanatory notes, p 10.

<sup>136</sup> Bill, explanatory notes, p 10.

<sup>137</sup> Bill, explanatory notes, pp 10-11.

<sup>138</sup> Bill, explanatory notes, p 7.

<sup>139</sup> Bill, explanatory notes, p 4.

To assist in providing transparency on the use of stop and search powers, the Bill would require the QPS' annual report to include information about the number of times a power to search a person without a warrant was exercised under chapter 2, part 2, division 2 as a result of the use of hand held scanners under section 39BA or 39E of the PPRA.<sup>140</sup>

#### Committee comment



The committee is satisfied that any potential breaches to fundamental legislative principles arising in relation to the Jack's Law amendments are reasonable and justified in the circumstances.

It is the committee's view that the amendments will enhance community safety and security and that the process of scanning is the least intrusive method to achieve the main goal of preventing of knife related crime.

### 2.10 Calls for other preventative initiatives

A number of stakeholders included suggestions for other preventative initiatives to be introduced. For example, in its submission, the Queensland Family and Child Commission called for 'educational resources to ensure young people are aware of their rights when stopped for a wandering search, including how and to whom they can make a complaint if they feel they were treated unfairly or felt unsafe during the wandering process'.<sup>141</sup>

In regard to community education, the QLS acknowledged the QPS' efforts 'in delivering a phased education campaign to end knife crime' and 'supports community education initiatives'. The QLS noted, however, that 'the scope of the campaign is orientated towards awareness of knife crime' and suggested that 'the education campaign requires expansion to amplify messaging that will fulfil the objective of deterring young people from carrying knives or weapons'.<sup>142</sup> Specifically, QLS submitted:

*We consider that a powerful means of enhancing the current communication strategy is to provide targeted messaging to the community about the powers afforded to police to conduct searches, including with hand held scanners and how, when and where this can occur.*<sup>143</sup>

In response to these calls for additional knife crime prevention initiatives, the QPS stated:

*A number of knife crime preventive initiatives exist and include Jack's Law, the passing of the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Act 2024 to restrict the sale and provision of knives and other controlled items to minors, marketing campaigns namely the 'End Knife Violence' to raise awareness about the new laws and developing evidence based education packages targeted at secondary school students, for delivery by the QPS School Based Police Officers, and trained police officers. The education packages, targeted at schools, has undergone research and consultation including*

<sup>140</sup> Bill, cl 18 (PPRA, amending s 808C); explanatory notes, p 9.

<sup>141</sup> Submission 13, p 3.

<sup>142</sup> Submission 14, p 4.

<sup>143</sup> QLS, submission 14, p 4.

*cross agency engagement, youth co-design, focus group testing and global research. The package will educate students on the new laws, the consequences of carrying knives, and safe reporting strategies.*<sup>144</sup>

i. Other states and territories

All other Australian States and Territories, with the exception of the Australian Capital Territory have introduced or passed similar legislation to Jack's Law. Attachment 1 of the QPS written briefing sets out an Australian jurisdictional comparison on hand-held scanning. In her evidence to the committee, Mrs Belinda Beasley, Founder and Secretary of the Jack Beasley Foundation, encouraged the committee to consider what can be learned from the operation of the law in other parts of Australia, particularly Western Australia where signage is used for education and awareness. Mrs Beasley told the Committee:

*....when we visited Western Australia we saw how they are using Jack's Law—the way that they present it to people; they have signs all through public transport areas. They also have a thing when you go through into a safe night precinct, for example, that dings on somebody's phone. It is a demographic thing. I don't know exactly how it is done. It was so impactful to see all of that there. I think that is something that Queensland could possibly consider. I think we can learn off other states as well, even though they have adopted it from us. If we all work together we could have one thing that is exactly the same everywhere.*<sup>145</sup>

#### Committee comment



With the introduction of Jack's Law across most Australian states and territories, the committee encourages the QPS to liaise with state and territory police services to identify education, awareness and community engagement opportunities to promote Jack's Law and its operation, particularly among young people.

## 2.11 Other amendments proposed by the Bill

The Bill makes several other amendments which are set out below.

### 2.11.1 Extending the operational period of the TPD Act

The Bill proposes to extend the operational period of the TPD Act by 15 years from 16 December 2025 to 16 December 2040.<sup>146</sup>

<sup>144</sup> QPS, response to submissions, 24 April 2025, p 17 & p 18.

<sup>145</sup> Public hearing transcript, Brisbane, 30 April 2025, p 3.

<sup>146</sup> Bill, cl 25 (new s 83).

The TPD Act allows for a person to be taken into custody and detained to prevent the occurrence of a terrorist act or to preserve evidence. The QPS explains:

*The TPD Act allows a person over the age of 16 years to be taken into custody for up to 14 days to either prevent an imminent terrorist attack or preserve the evidence of, or relating to, a recent terrorist attack. It is part of a suite of nationally consistent interoperable legislation across Australian jurisdictions, based on agreement between the Commonwealth, State and Territory governments...*<sup>147</sup>

The QPS explained further that the TPD Act is part of Queensland's counter-terrorism framework and forms part of a coordinated national approach set out in the Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements.<sup>148</sup>

Extending the operational period of the TPD Act is administrative in nature and does not infringe fundamental legislative principles, other than as discussed in the relevant human rights section below.<sup>149</sup>

#### **2.11.1.1 Compatibility with human rights under the HRA**

The committee considered the proposed amendment to the TPD Act as part of its human rights considerations.

The TPD Act permits police officers to apply for an 'initial order' for preventative detention from a senior police officer.<sup>150</sup> The order remains in effect for 72 hours, during which time the person who is subject to the order may be taken into custody.<sup>151</sup> That person may not be detained for more than 24 hours.<sup>152</sup>

Amongst other things, the application must include the facts and grounds for seeking to detain that person, and the length of time they are intended to be detained.<sup>153</sup> If it becomes evident that a person needs to be detained for longer than 24 hours, the police officer must seek a final order from a judge or retired judge,<sup>154</sup> which may be granted for a period up to 14 days from the time the person is first taken into custody.<sup>155</sup>

Persons under 16 years of age are not able to be detained under the TPD Act.<sup>156</sup>

The powers under the TPD Act to enable detainment of a person without arrest or charge for up to 14 days raise human rights issues. For example, the right to liberty and security,<sup>157</sup> the right to privacy,<sup>158</sup> the right to humane treatment when deprived of liberty,<sup>159</sup>

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<sup>147</sup> QPS, written briefing, 8 April 2025, p 10.

<sup>148</sup> QPS, written briefing, 8 April 2025, p 10.

<sup>149</sup> Bill, explanatory notes, p 11.

<sup>150</sup> TPD Act, ss 7, 15, 17.

<sup>151</sup> TPD Act, s 18.

<sup>152</sup> TPD Act, s 17.

<sup>153</sup> TPD Act, ss 15, 17.

<sup>154</sup> Appointed by the Minister to be an issuing authority for final orders: TPD Act, s 7.

<sup>155</sup> TPD Act, ss 7, 12, 25.

<sup>156</sup> TPD Act, s 9.

<sup>157</sup> HRA, s 29.

<sup>158</sup> HRA, s 25.

<sup>159</sup> HRA, s 30.



the right to freedom of movement<sup>160</sup> and the right to freedom of thought, conscience, religion and belief.<sup>161</sup> It is noted, however, that the TPD Act has not been used in Queensland,<sup>162</sup> and so while the limitations on human rights have the potential to be significant, the instances will likely be rare.

The statement of compatibility provides that the extension is intended to 'maintain the legislative framework to minimise the risk of harm to the community by a terrorist act, or potential terrorist act'.<sup>163</sup>

The statement of compatibility states that there are no alternatives available to achieve this purpose.

#### Committee comment



The purpose of the limitation is a significant one, that is to extend the legislation allowing police to detain a person without arrest or charge to prevent imminent terrorism, or preserve evidence of, or relating to a terrorism act.

While the impact on human rights is also significant for those subject to preventative detention orders, this has yet to occur in Queensland and if it does, there are relevant safeguards in place including legislative criteria (and parliamentary oversight).

The committee acknowledges the human rights potentially limited by the amendments to the TPD Act. However, the committee also notes the main and significant purpose of the provisions is to facilitate national security goals to ensure that Queensland aligns with interoperable counter-terrorism legislation across Australian jurisdictions based on agreement between the Commonwealth, State and Territory governments. Accordingly, the committee is satisfied that the potentially significant negative impacts on an individual's human rights is sufficiently justified in the circumstances.

#### 2.11.2 Clarifying MRQ as a charitable institution

The Bill amends the MRQ Act to clarify that MRQ is capable of receiving gifts as a charitable institution, thereby removing any doubt that a gift to MRQ would be properly considered as being made for charitable purposes. The QPS noted a concern had been raised around MRQ being established as a government entity and not as a charitable

<sup>160</sup> HRA, s 19.

<sup>161</sup> HRA, s 20.

<sup>162</sup> Though it has been used in other jurisdictions: Bill, explanatory notes, p 5.

<sup>163</sup> Bill, statement of compatibility, p 13.

institution. The QPS explained that the 'transfer of assets to MRQ from existing volunteer marine rescue organisations may not be lawful'.<sup>164</sup>

The explanatory notes stated that the Bill will remedy this concern by clarifying 'there is no legislative or lawful impediment preventing MRQ from receiving gifts, donations, bequests or legacies'.<sup>165</sup>

### 2.11.3 Validating the appointment of SES members

The Bill amends the SES Act to confirm that any previous appointment of a person as an SES member is valid.<sup>166</sup>

During recent disaster management and emergency services reforms, the SES was transitioned from the responsibility of the Commissioner under the then *Fire and Emergency Services Act 1990* to the Commissioner of Police. The QPS explained:

*During business alignment processes, a deficiency in the historical appointment process for SES members has been identified, where appointments have been made by an officer without lawful delegation to appoint persons as an SES member. There are approximately 4,900 SES members impacted, who have been unknowingly performing SES functions (including exercising powers) without a valid appointment.*<sup>167</sup>

The explanatory notes stated that the amendment to the SES Act 'is required to confirm that any historical appointment of a person as an SES member is valid'.<sup>168</sup>

#### 2.11.3.1 Consistency with fundamental legislative principles

Section 4(3)(g) of the LSA outlines that legislation should not retrospectively affect rights and liberties or impose obligations.

The explanatory notes acknowledge that 'the Bill will retrospectively confirm that an appointment of a person as an SES member is valid'. However, the explanatory notes further provide that 'legislation with retrospective application may be enacted to validate decisions or powers exercised by government agencies, the validity of which is in doubt for technical reasons'.<sup>169</sup>

The explanatory notes provided the following context to the retrospective nature of these amendments:

*SES members are relied upon during times of crisis to provide rescue and other emergency services to the community. Predominantly, these services are provided by SES members who are volunteers. It is essential that the duties and functions that SES members perform are not compromised through any concern held by the SES member about the validity of their appointment or the potential civil liabilities that may arise through their appointment being invalid.*

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<sup>164</sup> QPS, written briefing, 8 April 2025, p 12.

<sup>165</sup> Bill, explanatory notes, p 9.

<sup>166</sup> Bill, explanatory notes, p 9.

<sup>167</sup> QPS, written briefing, 8 April 2025, p 13.

<sup>168</sup> Bill, explanatory notes, p 9.

<sup>169</sup> Bill, explanatory notes, p 11.



*The potential impact upon [fundamental legal principles] is justified as persons appointed to be SES members have a legitimate expectation that their appointments will be valid.<sup>170</sup>*

The committee supports the additional amendments contained in the Bill.

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<sup>170</sup> Bill, explanatory notes, p 12.

## Appendix A – Submitters

<b><i>Sub No.</i></b>	<b><i>Name / Organisation</i></b>
<b>1</b>	Jay Cooper
<b>2</b>	Queensland Victims' Commissioner
<b>3</b>	Alcohol and Drug Foundation
<b>4</b>	PeakCare
<b>5</b>	Legal Aid Queensland
<b>6</b>	Hub Community Legal
<b>7</b>	Queensland Police Union of Employees
<b>8</b>	Youth Advocacy Centre
<b>9</b>	Queensland Human Rights Commission
<b>10</b>	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
<b>11</b>	Queensland Council of Social Service
<b>12</b>	Crime and Corruption Commission
<b>13</b>	Queensland Family and Child Commission
<b>14</b>	Queensland Law Society
<b>15</b>	Queensland Council for Civil Liberties
<b>16</b>	Jack Beasley Fund Incorporated-Jack Beasley Foundation
<b>17</b>	Queensland Indigenous Family Violence Legal Service
<b>18</b>	Human Rights Law Centre

## **Appendix B – Public Briefing, Brisbane, 30 April 2025**

### **Queensland Police Service**

Acting Deputy Commissioner Mark Kelly      Regional Operations and Youth Crime

Acting Assistant Commissioner Rhys  
Wildman

Acting Senior Sergeant Michael Chalmers

Michael Shears      Director, Strategic Policy and Legislation

Anna Papoutsakis      Manager, Strategic Policy and Legislation

## **Appendix C – Witnesses at Public Hearing, Brisbane, 30 April 2025**

### Organisations

#### **Jack Beasley Foundation**

Belinda Beasley	Founder/Secretary
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#### **Queensland Council of Social Service**

Aimee McVeigh	Chief Executive Officer
Lauren Bicknell	Senior Policy Officer, Youth Justice and Human Rights

#### **Queensland Indigenous Family Violence Legal Service**

Thelma Schwartz	Principal Legal Officer
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#### **Queensland Law Society**

Damian Bartholomew	Chair, Children's Law Committee
Kristy Bell	Chair, Criminal Law Committee

#### **Queensland Police Union of Employees**

Shane Prior	General President
Anthony Brown	Director, Policy and Legislation

#### **Queensland Victims' Commissioner**

Beck O'Connor	Victims' Commissioner
Dimity Thoms	Director – Policy and Systemic Review
Sarah Kay	Executive Director

# Dissenting Report



**MICHAEL BERKMAN MP**

*Member for Maiwar ▲*

22 May 2025

## **Dissenting Report - JICSC Inquiry into Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025**

Parliament's commitment to preventing knife crime and its devastating consequences is commendable, but there remains no compelling evidence that this Bill will achieve that objective. Meanwhile, the evidence demonstrates a very real risk of discrimination and harm against already over-policed populations.

I remain concerned that the powers in this Bill essentially represent a dramatic expansion of QPS's currently limited random stop and search powers. It's true that wandering differs in character from a physical search, but the powers in the Bill to compel mandatory submission to scanning and production of items upon request are, in substance, suspicionless searches.

Random, suspicionless searches are a blunt and inefficient tool. They divert public and police resources away from strategies grounded in evidence and prevention, while delivering minimal results. Such measures typically result in very few seizures of prohibited items at a high cost, both in terms of resources and public trust.

The logic underlying these powers, whether made explicit or not, is that the general population is to be regarded as inherently suspect. This presumption - that any individual may be committing an offence without specific grounds - treats members of the public 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 undermines public confidence in institutions and increases the likelihood of harmful interactions between police and the community.

These powers disproportionately affect marginalised and already over-policed groups. Evidence from the trial of these laws, as well as from comparable initiatives like the New South Wales' "Suspect Target Management Plan", demonstrates that the powers are disproportionately exercised on First Nations people and young people from low-income or racialised backgrounds. The result is deepening mistrust and heightened tensions between these communities and police, creating an antagonistic and criminogenic relationship.

Crucially, this approach fails to address the root causes of knife carrying, such as fear, peer pressure, unresolved trauma, and deeper patterns of social dysfunction. I've seen first hand how effective the Jack Beasley Foundation's education programs can be in informing and changing young people's behaviour, but by prioritising punitive enforcement over prevention, Jack's Law entrenches a reactive, carceral model of public safety.

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### **Contact Us**

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### **Visit Us**

1/49 Station Road, Indooroopilly

Open: Monday to Friday 9am - 5pm

My concerns regarding this legislation reflect broader policy failures in Queensland and across Australia. This Bill intersects with our punitive responses to low-level drug use as well as chronic underfunding of public and social services and spaces which might otherwise foster relationships of care and accountability between people. These intersecting issues reveal a troubling pattern. Governments are increasingly resorting to carceral solutions for complex social problems, rather than investing in preventative, community-led and evidence-based alternatives. The long term consequence is increasing social dysfunction and crime.

### **Bias or discriminatory application of powers**

It is clear from the material before the committee that there has been significant bias in the application of these laws. I consider these statistics, provided to the committee by QPS, an important consideration for the committee and the Parliament, but they are not included in the committee's report.

In an answer to a Question on Notice earlier this year, the Police Minister revealed that 33% of the people wanded under Jack's Law are children, and 83% were male.<sup>1</sup>

When asked about this clear bias at the public briefing, the QPS representatives 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."

Assistant Commissioner Wildman suggested that the male/female imbalance was partly a consequence of the demographic makeup of the people at locations where wandering was taking place - specifically in Safe Night Precincts (SNPs) and on public transport (notionally as a consequence of "large football games").

Most significantly, he went on to describe the "intelligence base background around [QPS] wandering operations", which seems to directly contradict the supposedly "random nature of the wandering operations":

"If you think about the number of offenders and victims in terms of males versus females, the number of male offenders far outweighs female offenders and it is the same in the victim categories. There are more males in the judicial system than females, more males in the prisons than females and even with domestic and family violence there is a very heavy weighting towards males. Over 80 per cent of respondents or perpetrators of domestic and family violence are males versus females. In the operations conducted by police they certainly utilise a combination of factors. They utilise best practice principles to wand people as they see fit and hence those numbers create those disparity issues."<sup>2</sup>

Through a question taken on notice<sup>3</sup> by QPS at the Public Briefing, the committee had the opportunity to consider the age, gender and demographic split from wandering operations at shopping centres - arguably a more 'neutral' setting where at least the gender demographics would be expected to differ from those at a SNP or "large football games". The data from shopping centres shows similar or even greater biases than in the overall annual figures:

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<sup>1</sup> Available online at: <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2025/122-2025.pdf>

<sup>2</sup> See p5 of the [Public Briefing transcript](#), 30 April 2025.

<sup>3</sup> Available online at: <https://documents.parliament.qld.gov.au/com/JJCSC-CD82/PPRMJLPOLA-2568/250506%20-%20QPS%20-%20Response%20to%20Question%20on%20Notice%2030APR25.pdf>



- 55% of people wanded were children - well above the 33% in the total 2023-24 figures; and
- 78% of people wanded were male - marginally less than the 83% in the total 2023-24 figures.

Aboriginal and Torres Strait Islander people - who comprise approximately 4.5% of the statewide population - also appear to be over represented in the wanding data for both the statewide figures (6.82%) and shopping centres (6.92%). Moreover, the overrepresentation could be even greater in reality, given that ethnicity was “Other/Unknown/Not Recorded” for 41-46% of people wanded.

These figures, taken together with the “intelligence base background”, strongly suggest that the exercise of these powers is far from random, as they are supposed to be.

I believe the evidence before the committee reinforces the concerns, as expressed in the Griffith Criminology Institute’s review of the initial trial (Griffith Review), that the exercise of these powers by police is skewed by demographic profiling.

This reflects the concerning reality that already disadvantaged and vulnerable Queenslanders, particularly First Nations people, are overrepresented in Queensland’s police interactions and the justice system more broadly. In circumstances where the state is again seeing significant numbers of young people, mostly First Nations, held in police watch houses for extended periods, the committee has clearly not given due attention to the evidence that this Bill could contribute to the ongoing over-incarceration of First Nations young people.

The assurances provided by QPS, that police receive training to reduce racial profiling and bias in the exercise of these powers, is not reflected in the data. On the face of it, statistics provided by the Police Minister and QPS suggest that minors, males, Aboriginal and Torres Strait Islander people have been disproportionately subject to suspicionless searches under the trial. Relying on the judicious judgement of individual officers is an inadequate protection. Furthermore, asking the community to trust that police will act in compliance with human rights standards is unrealistic given recent findings of police misconduct by the Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence, which uncovered concerning evidence of racism and misconduct.

### **Resource intensive, ineffective policing measure**

Griffith Criminology Institute’s review of the initial trial (Griffith Review), found that there was no evidence of deterrence despite a huge expense of resources, concluding that “any continuation of wanding should be targeted at only those areas where data shows a proportionately higher prevalence of knife offences occurring over a sustained period”.

The Queensland Police Service Annual Report 2023–24 similarly found that less than one percent of over 50,000 stop and wand searches resulted in the discovery of a weapon.<sup>4</sup> Notably, these figures come from a trial that was tightly controlled and geographically targeted. Despite this, the number 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, conducted in areas already identified as higher-risk and employing selective targeting, yielded very limited results, then expanding wanding powers more broadly will only reduce their effectiveness further, while greatly increasing costs and risks of civil rights abuses.

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<sup>4</sup> Available online at:

[https://www.police.qld.gov.au/sites/default/files/2024-12/QPS%20AR%202023-24\\_Erratum%20page%2033\\_online.pdf](https://www.police.qld.gov.au/sites/default/files/2024-12/QPS%20AR%202023-24_Erratum%20page%2033_online.pdf)

Police already possess adequate powers, including the ability to conduct searches based on reasonable suspicion of an offence, such as possession of a knife, to reduce the prevalence of knife possession.

There is nothing in the trial results, nor in the underlying logic of suspicionless searches, that supports their effectiveness. There is even less to suggest they represent a more efficient or justified use of public resources than alternative, community-focused, and preventative strategies.

### **Detection versus deterrence**

While I acknowledge the argument that there is a possibility that these laws may lead to a deterrent effect on knife-carrying due to increased public awareness of the wandering powers, previous analysis of similar powers in other jurisdictions (such as in Victoria or the United Kingdom) showed no discernible impact of increased police stop and search powers on knife crime.

We should take great care at this stage not to conflate the findings about increased detection with deterrence. The Griffith report was clear that there was no evidence of any deterrent effect on knife carrying, nor is there any evidence to suggest any significant effect from wandering on other violent offences.

### **Misuse of expanded powers and net widening**

The committee has failed to adequately address the findings that the wandering trial has resulted in the detection of more illicit drugs than weapons, and the concern that the powers were being deliberately used to identify, search and question or charge people for offences entirely unrelated to knife crime. This was evidenced by interviews Griffith conducted with police officers, who made comments like:

*“So that’s been one of the real benefits, because we are able to engage with people in such a manner that you know reasonable suspicion isn’t required and because we’re engaging with them around the knives it’s just a lot of offences flow off the back of that and the way we’re going about that.”*

Not only is this inconsistent with the stated objectives of the laws, but creates a risk of detrimental flow-on effects, through the criminalisation of greater numbers of people for non-violent offences.

Using these suspicionless searches police were four times more likely to charge a person with a drug possession offence (2.6%) than they were to charge someone with possession of a knife (0.8%) according to the QPS’s 2023-24 Annual Report.<sup>5</sup>

Given the evidence to date, one could fairly assume that these laws are intended to increase the number of individuals caught up in formal criminal justice processes for low level drug offences, a counterproductive outcome, to say the least. These laws will compound the flaws in our existing carceral and punitive approach to recreational drug taking. It’s not guaranteed that the seizure of any of the very small amount of knives detected by suspicionless searches will prevent some future incident of knife violence that could not have already been prevented with existing police powers. However, what these laws do guarantee is that thousands more people will enter into the criminal justice system for such inappropriately criminalised conduct like having a cannabis joint on their person.

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<sup>5</sup> [https://www.police.qld.gov.au/sites/default/files/2024-12/QPS%20AR%202023-24\\_Erratum%20page%2033\\_online.pdf](https://www.police.qld.gov.au/sites/default/files/2024-12/QPS%20AR%202023-24_Erratum%20page%2033_online.pdf)

## Recommendations

The Bill in its current form is not based on sufficient evidence or justification. There is no evidence it will progress its stated aims, but substantial evidence of its potential harms. The Bill should not be passed.

The Government should undertake a more thorough analysis and review of the existing trial. All resources intended for the expansion of operations and expenditure of resources associated with these powers should be redirected towards preventative, community-led, and evidence-based alternatives.



Michael Berkman MP