



# QUEENSLAND PARLIAMENT **COMMITTEES**

**Report on subordinate legislation tabled between 10 December 2025  
and 10 February 2026**

Justice, Integrity and Community Safety Committee



**Report No. 31**

**58th Parliament, April 2026**

## Overview

The Justice, Integrity and Community Safety Committee (committee) is responsible for examining subordinate legislation within its portfolio area.<sup>1</sup> This report summarises the committee’s findings for subordinate legislation tabled between 10 December 2025 and 10 February 2026.

The report discusses any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles, lawfulness, and compatibility with the *Human Rights Act 2019* (HRA).<sup>2</sup> It also considers the human rights certificates tabled with the subordinate legislation<sup>3</sup> and the explanatory notes compliance with the *Legislative Standards Act 1992* (LSA).<sup>4</sup>

## Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
157	Criminal Practice Amendment Rule 2025	10 February 2026	14 May 2026
162	Gaming Machine (Facial Recognition Technology) and Other Legislation Amendment Regulation 2025	10 February 2026	14 May 2026
165	Police Service Administration and Other Legislation Amendment Regulation 2025	10 February 2026	14 May 2026
166	Proclamation—Community Protection and Public Child Sex Offender Register (Daniel’s Law) Act 2025	10 February 2026	14 May 2026
10	Police Powers and Responsibilities Amendment Regulation 2026	10 February 2026	14 May 2026

\* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House and are subject to change.

## Committee consideration of the subordinate legislation

### Committee Comment



Unless noted below, the committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, lawfulness of the subordinate legislation or compliance with the HRA.

The committee considers that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the LSA. This includes advice about consultation, and that the human rights certificates provide a sufficient level of information to facilitate understanding of the subordinate legislation regarding their compatibility with the HRA.<sup>5</sup>

<sup>1</sup> Parliament of Queensland Act 2001, s 93.

<sup>2</sup> *Human Rights Act 2019* (HRA), ss 8, 13.

<sup>3</sup> HRA, s 41.

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

<sup>5</sup> Section 8 of the HRA relevantly provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA. Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free

## 1 SL No. 157 – Criminal Practice Amendment Rule 2025

### 1.1 Outline

The Criminal Practice Rules 1999 (the Rules) govern the procedures and practices for the criminal jurisdiction of the courts. This includes requirements for forms (which are contained in Schedule 3 of the Rules).<sup>6</sup>

According to the explanatory notes, a review of the forms contained in Schedule 3 identified the need for amendments to ensure accuracy and incorporate new offences or wording of offences.<sup>7</sup>

The Criminal Practice Amendment Rule 2025 (SL No. 157) amends the Rules to:

- create new forms for Criminal Code offences for which no forms are currently provided in Schedule 3;
- update existing Schedule 3 forms to accurately reflect amendments made to the Criminal Code;
- insert new Schedule 3A to create indictment forms for the offence of engaging in domestic violence or associated domestic violence to aid respondent under the *Domestic and Family Violence Protection Act 2012*; and
- update
  - Rule 13 (Forms generally) with a consequential change to reflect the creation of new Schedule 3A (Forms for indictments-statement of offences under the *Domestic and Family Violence Protection Act 2012*);
  - Rule 37 (Service - individuals) to provide consistency in language; and
  - Rule 57 (Access to court files) to reflect changes to legislation.<sup>8</sup>

The Rules Committee consented to the making of SL No. 157.<sup>9</sup>

### 1.2 Fundamental legislative principles

No issues of fundamental legislative principle were identified.

## 2 SL No. 162 – Gaming Machine (Facial Recognition Technology) and Other Legislation Amendment Regulation 2025

### 2.1 Outline

The Gaming Machine (Facial Recognition Technology) and Other Legislation Amendment Regulation 2025 (SL No. 162) amends the Gaming Machine Regulation 2002 (GM Regulation) to authorise<sup>10</sup> specified licensees<sup>11</sup> to operate a facial recognition technology (FRT)<sup>12</sup> system on their licensed premises for ‘harm minimisation purposes’.<sup>13</sup>

An FRT system may be operated on the basis that:

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and democratic society based on human dignity, equality and freedom.

<sup>6</sup> SL No. 157, explanatory notes, p 1.

<sup>7</sup> SL No. 157, explanatory notes, p 1.

<sup>8</sup> SL No. 157, explanatory notes, p 2.

<sup>9</sup> SL No. 157, explanatory notes, p 2. This is required under sections 85 and 87 of the *Supreme Court of Queensland Act 1991*.

<sup>10</sup> As opposed to mandate. SL No. 162, explanatory notes, p 5.

<sup>11</sup> Being, licensees other than those operating a facial recognition technology system on their licensed premises under a condition imposed by the Commissioner for Liquor and Gaming on the licensee’s gaming machine licence under section 73 or 74 of the *Gaming Machine Act 1991*. SL No. 162, s 3 (Gaming Machine Regulation 2002, new s 28A(1)).

<sup>12</sup> A FRT system enables the facial image of a person to be recognised, identified and recorded; and compares the facial image with biometric information held in the system about excluded persons. Excluded persons are persons subject to a self-exclusion order or an exclusion direction in force for the person. SL No. 162, s 3.

<sup>13</sup> SL No. 162, explanatory notes, p 1.

- the licensee is treated as an organisation under the *Privacy Act 1988* (Cth), and complies with the Act's requirements about protecting personal information held in the system<sup>14</sup>
- the FRT system:
  - is used for identifying an excluded person to prevent the person from entering or remaining in the licensed premises<sup>15</sup> in contravention of a self-exclusion order or exclusion direction
  - includes a function that deletes any biometric information recorded by the system that does not identify an excluded person.<sup>16</sup>

SL No. 162 also amends the Liquor Regulation 2002 (Liquor Regulation) to authorise<sup>17</sup> licensees<sup>18</sup> to operate an FRT<sup>19</sup> system on their licensed premises for 'harm minimisation purposes'.<sup>20</sup>

A FRT system may be operated on the basis that it:

- is used for identifying an excluded person to prevent the person from entering the licensed premises in contravention of a banning order for regulated premises or licensee ban
- includes a function that deletes any biometric information recorded by the system that does not identify an excluded person.<sup>21</sup>

The amendments to both the GM Regulation and Liquor Regulation introduce new offences for failure to comply with the requirements for displaying a sign and for the protection of personal information.<sup>22</sup>

## 2.2 Fundamental legislative principles

No issues of fundamental legislative principle were identified.

## 2.3 Compatibility with human rights

### ***Right to privacy***

A person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.<sup>23</sup>

According to the explanatory notes, licensees with an annual turnover above \$3 million must comply with the Australian Privacy Principles (APPs).<sup>24</sup> APP 3.3 requires that

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<sup>14</sup> SL No. 162, s 3.

<sup>15</sup> Or a gaming machine area on the licensed premises.

<sup>16</sup> SL No. 162, s 3.

<sup>17</sup> As opposed to mandate. SL No. 162, explanatory notes, p 5.

<sup>18</sup> Being, licensees under the *Liquor Act 1992* (Liquor Act).

<sup>19</sup> As mentioned above, a FRT system compares a person's facial image with biometric information held in the system about excluded persons. For the purposes of the Liquor Regulation, excluded persons are persons subject to a banning order for regulated premises or a licensee ban in force for the person. SL No. 162, s 5. A banning order, for regulated premises, means any of the specified instances under which a person is required not to be at the regulated premises or in an area in which the regulated premises are located (See Liquor Act, s 173EE).

<sup>20</sup> SL No. 162, explanatory notes, p 1.

<sup>21</sup> These provisions have similar requirements to those amending the GM Regulation concerning privacy and protecting personal information, and the display of a conspicuously positioned sign notifying of the use of the FRT system. See SL No. 162, s 5.

<sup>22</sup> These offences attract a maximum penalty of 20 penalty units (\$3,338) and are consistent with existing penalties for offences in these regulations. SL No. 162, ss 3, 5.

<sup>23</sup> HRA, s 25(a).

<sup>24</sup> SL No. 162, explanatory notes, p 2. See *Privacy Act 1988* (Cth), sch 1.

sensitive information about a person<sup>25</sup> must only be collected if ‘it is reasonably necessary to an organisation’s functions, and if the person has consented to collection of the data’.<sup>26</sup> However, APP 3.4 provides exemptions to these requirements, including if the collection of the data is authorised by an Australian law.<sup>27</sup> SL No. 162’s amendments limit the right to privacy by authorising licensees to use FRT, thereby negating ‘the consent and reasonable necessity requirements of APP 3.3’.<sup>28</sup>

The human rights certificate identifies that the primary purpose of the limitation is to ‘support compliance with obligations to exclude certain people from gaming venues and gaming areas and prohibit entry to persons subject to banning orders and licensee bans’.<sup>29</sup>

Whilst acknowledging there are less restrictive, existing alternatives to FRT which do not necessarily involve the collection of sensitive information,<sup>30</sup> the human rights certificate contends that the alternatives are still invasive of individual privacy and less effective at helping licensees comply with their obligations.<sup>31</sup>

The human rights certificate concludes that:

*The purpose of the proposed authorisation is to allow liquor and gaming licensees to use FRT for legitimate purposes without breaching the APPs. The authorisation is necessary because obtaining the communicated consent of each person is not practicable in the liquor and gaming context. It is not intended to permit licensees to use FRT for any purposes other than in support of existing obligations under the legislation that relate directly to harm minimisation and safety.<sup>32</sup>*

### Committee Comment



The committee is satisfied that, in limiting the right to privacy and exempting the specified use of FRT from the consent and reasonable necessity requirements of APP 3.3, the subordinate legislation is compatible with human rights, bearing in mind its harm minimisation purpose, the voluntary nature of a licensee adopting FRT, the specified privacy and signage requirements, and the penalties for non-compliance.

## 3 SL No. 165 – Police Service Administration and Other Legislation Amendment Regulation 2025

### 3.1 Outline

The Police Service Administration and Other Legislation Amendment Regulation 2025 (SL No. 165) amends the:

- Child Protection (Offender Reporting and Offender Prohibition Order) Regulation 2015 to:
  - update a legislative example and a section reference
  - omit a redundant provision relating to offender reporting

<sup>25</sup> Such as, the biometric data used in FRT systems.

<sup>26</sup> SL No. 162, explanatory notes, p 2.

<sup>27</sup> SL No. 162, explanatory notes, p 2.

<sup>28</sup> SL No. 162, explanatory notes, p 2.

<sup>29</sup> SL No. 162, human rights certificate, p 3.

<sup>30</sup> Such as, manually monitoring entry points and using CCTV footage.

<sup>31</sup> SL No. 162, human rights certificate, p 4.

<sup>32</sup> SL No. 162, human rights certificate, p 4

- correct a minor drafting error
- Police Service Administration Regulation 2016 to:
  - update the references to the monarch in the oath/affirmation of office sworn/taken by protective services officers to refer to His Majesty King Charles the Third and His heirs and successors
  - update the definition of ‘external service provider’ to reflect recent machinery of government changes.<sup>33</sup>

### 3.2 Fundamental legislative principles

No issues of fundamental legislative principle were identified.

## 4 SL No. 166 – Proclamation—Community Protection and Public Child Sex Offender Register (Daniel’s Law) Act 2025

### 4.1 Outline

The Proclamation—Community Protection and Public Child Sex Offender Register (Daniel’s Law) Act 2025 (SL No. 166) fixed 31 December 2025 as the commencement date for all the provisions of the Act not yet in force.

The Community Protection and Public Child Sex Offender Register (Daniel’s Law) Act 2025 (Daniel’s Law Act) establishes a framework for a public child sex offender register which comprises 3 tiers:

- missing non-compliant offender website
- locality search
- parent/guardian disclosure scheme.<sup>34</sup>

### 4.2 Fundamental legislative principles

No issues of fundamental legislative principle were identified.

## 5 SL No. 10 – Police Powers and Responsibilities Regulation 2026

### 5.1 Outline

In 2022, *the Animal Care and Protection Act 2001* (ACP Act) was amended to provide that a prosecution under the ACP Act may only be started by a person authorised by the chief executive of the Department of Primary Industries (chief executive) to bring the prosecution. An unintended consequence of this amendment was that the ability of police officers to independently commence prosecutions under the ACP Act was removed.<sup>35</sup>

The Police Powers and Responsibilities Amendment Regulation 2026 (SL No. 10) amends the Police Powers and Responsibilities Regulation 2012 to enable police officers to commence prosecutions under the ACP Act without prior approval of the chief executive.<sup>36</sup>

The *Police Powers and Responsibilities Act 2000* provides that as soon as reasonably practicable after starting the proceeding, a police officer must inform the chief executive of the starting of the proceeding.<sup>37</sup>

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<sup>33</sup> SL No. 165, explanatory notes, pp 1-3; SL No. 165, human rights certificate, pp 1-2.

<sup>34</sup> SL No. 166, explanatory notes, pp 1-2.

<sup>35</sup> SL No. 10, explanatory notes, p 1; *Animal Care and Protection Amendment Act 2022*, s 33; ACP Act, s 178(3).

<sup>36</sup> SL No. 10, s 3 (Police Powers and Responsibilities Regulation, sch 5); explanatory notes, p 1

<sup>37</sup> *Police Powers and Responsibilities Act 2000*, s 799(3).

## 5.2 Fundamental legislative principles

No issues of fundamental legislative principle were identified.



### Recommendation 1

The committee recommends that the Legislative Assembly note this report.



Marty Hunt MP

**Chair**

Justice, Integrity and Community Safety Committee

**Chair**

Mr Marty Hunt MP, Member for Nicklin

**Deputy Chair**

Mr Peter Russo MP, Member for Toohey

**Members**

Mr Michael Berkman MP, Member for Maiwar

Mr Russell Field MP, Member for Capalaba

Ms Natalie Marr MP, Member for Thuringowa

Ms Melissa McMahon MP, Member for Macalister