

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

MacRae

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

2nd April 2023

In the name and on behalf of the King, I assent to this Bill.

Julia Yang

Government House,

Brisbane, 2nd April

2023.



Queensland

No. 4 of 20

A BILL for

**An Act to amend the Police Powers and Responsibilities Act 2000 for
particular purposes**



Queensland

Police Powers and Responsibilities (Jack's Law) Amendment Bill 2023

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2023

A Bill

for

An Act to amend the *Police Powers and Responsibilities Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023*.

2 Act amended

This Act amends the *Police Powers and Responsibilities Act 2000*.

3 Amendment of s 30 (Prescribed circumstances for searching persons without warrant)

Section 30(1)(l), 'section 39C or 39D(2)'—
omit, insert—
section 39E, 39F or 39G

4 Replacement of ch 2, pt 3A (Use of hand held scanners without warrant in public places in prescribed areas)

Chapter 2, part 3A—
omit, insert—

Part 3A

**Jack's Law—Use of
hand held scanners
without warrant in safe
night precincts and
public transport
stations**

39A Definitions for part

In this part—

hand held scanner authority see section 39C(4).

public transport station see section 39B.

public transport vehicle means the following vehicles, within the meaning of the *Transport Operations (Passenger Transport) Act 1994*—

- (a) a train or other public passenger vehicle being operated by a railway manager or railway operator;
- (b) a light rail vehicle or other public passenger vehicle being operated by a light rail manager, or light rail operator, for a light rail;
- (c) a bus or other motor vehicle being used for a general route service;
- (d) a ferry being used for a general route service.

senior police officer means—

- (a) a police officer of at least the rank of inspector; or
- (b) a police officer of at least the rank of senior sergeant authorised by the commissioner to issue an authority under this part.

use, a hand held scanner in relation to a person, means to pass the hand held scanner in close proximity to the person or the person's belongings.

39B Meaning of *public transport station*

A public transport station—

- (a) is a station, platform or other structure for the taking on and letting off of passengers of a public transport vehicle; and

Examples—

The following stations, platforms or other structures within the meaning of the *Transport Operations (Passenger Transport) Act 1994*—

- a railway station or platform
- a light rail station or platform
- facilities for passengers to interchange between the same or different modes of transport, for example, the Cannon Hill bus interchange and the Roma Street busway/railway interchange
- a bus station
- a bus stop, including the area in the immediate vicinity of the bus stop
- a jetty or other structure at which a ferry makes a scheduled stop for a ferry service, and any associated structure.

(b) includes—

- (i) car parks and set-down facilities for passengers of a public transport vehicle that makes scheduled stops at the station, platform or structure; and
- (ii) another structure or facility for the use or convenience of passengers of a public transport vehicle that makes scheduled stops at the station, platform or structure; and

Examples of other structures or facilities—

overhead or underground walkways
between platforms, footpaths, seating

- (iii) landscaping associated with the station, platform or structure.

39C Use of hand held scanner authorised by senior police officer

- (1) A senior police officer may authorise the use of a hand held scanner—
 - (a) in a safe night precinct (a *relevant place*); or
 - (b) at a public transport station and on public transport vehicles travelling to and from the station (each also a *relevant place*).
- (2) However, the senior police officer may issue an authority only if—
 - (a) any of the following happened at the relevant place in the previous 6 months—
 - (i) at least 1 offence was committed by a person armed with a knife or other weapon;
 - (ii) at least 1 seven year imprisonment offence against the Criminal Code involving violence against a person was committed;
 - (iii) more than 1 offence against the *Weapons Act 1990*, section 50(1) or 51(1) was committed; and

Notes—

- 1 The *Weapons Act 1990*, section 50 makes it an offence for a person to unlawfully possess a weapon.
 - 2 The *Weapons Act 1990*, section 51 makes it an offence for a person to physically possess a knife in a public place or a school without a reasonable excuse.
- (b) the senior police officer considers 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; and

- (c) the senior police officer has considered—
 - (i) the effect the use of hand held scanners may have on lawful activity at the relevant place; and
 - (ii) 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.
- (3) For subsection (1), *travelling to and from* a public transport station means travelling within 1 scheduled stop in any direction of that public transport station.
- (4) An authority issued under this section is a *hand held scanner authority*.

39D Form and effect of hand held scanner authority

- (1) A hand held scanner authority must state—
 - (a) the day and time the authority starts; and
 - (b) the place for which the authority is issued, as follows—
 - (i) for a hand held scanner authority issued for a safe night precinct—the name of the safe night precinct;
 - (ii) for a hand held scanner authority issued for a public transport station—the name of the public transport station.
- (2) The hand held scanner authority has effect for 12 hours after the authority starts.

39E Authorised use of hand held scanner without warrant in safe night precinct

- (1) This section applies if a hand held scanner authority is in effect for a safe night precinct.
- (2) A police officer may, without a warrant, require a person to stop and submit to the use of a hand held scanner—
 - (a) in a public place in the safe night precinct; or
 - (b) in a public place at a public transport station in the safe night precinct.
- (3) To remove any doubt, it is declared that a hand held scanner authority issued for a safe night precinct does not authorise the use of a hand held scanner on board a public transport vehicle that is in the safe night precinct.

39F Authorised use of hand held scanner without warrant at public transport station and on board public transport vehicles

- (1) This section applies if a hand held scanner authority is in effect for a public transport station.
- (2) A police officer may, without a warrant, require a person to stop and submit to the use of a hand held scanner—
 - (a) in a public place at the public transport station; or
 - (b) on board a public transport vehicle while the vehicle is travelling within 1 scheduled stop in any direction of that public transport station; or
 - (c) if the person leaves the public transport vehicle within 1 scheduled stop of the public transport station—in a public place at the public transport station at that scheduled stop.

- (3) If a police officer starts to exercise a power in relation to a person under this section or section 39G while on board a public transport vehicle travelling in the area mentioned in subsection (2)(b), the police officer may continue to exercise the power in relation to the person, even if the vehicle travels out of that area.

39G Requirements if hand held scanner indicates metal

- (1) This section applies if—
 - (a) a police officer uses a hand held scanner in relation to a person under a hand held scanner authority; and
 - (b) the hand held scanner indicates that metal is, or is likely to be, present.
- (2) The police officer may require the person—
 - (a) to produce the thing that may be causing the hand held scanner to indicate that metal is, or is likely to be, present; and
 - (b) to resubmit to the use of a hand held scanner.

Notes—

- 1 See also section 39F(3) in relation to the continued use of a power under this section.
- 2 See sections 29 and 30(1)(l) for the power to search a person without a warrant.

39H Safeguards for exercise of powers

- (1) This section applies if a police officer exercises a power under a hand held scanner authority to require a person to stop and submit, or resubmit, to the use of a hand held scanner.
- (2) The police officer must exercise the power in the least invasive way that is practicable in the

circumstances.

- (3) If reasonably practicable, the police officer must be of the same sex as the person.
- (4) The police officer may detain the person for so long as is reasonably necessary to exercise the power.
- (5) The police officer must—
 - (a) if requested by the person, inform the person of the police officer's name, rank and station; and
 - (b) if requested by the person, provide the information mentioned in paragraph (a) in writing; and
 - (c) produce the police officer's identity card for inspection by the person unless the police officer is in uniform; and
 - (d) 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 a knife or other weapon; and
 - (e) offer to give the person a hand held scanner information notice and, if the person accepts the offer, give the notice to the person.
- (6) Section 637 does not apply if a police officer stops or detains a person under this part.
- (7) In this section—
hand held scanner information notice see section 39I.

39I Meaning of *hand held scanner information notice*

A *hand held scanner information notice* is a written notice that states—

[s 4]

- (a) the person is in a public place in a safe night precinct or at a public transport station or on board a public transport vehicle within 1 scheduled stop of a particular public transport station; and
- (b) a police officer has the power to require the person to—
 - (i) stop and allow, or allow again, the use of a hand held scanner in relation to the person and the person's belongings to determine whether the person is carrying a knife or other weapon; and
 - (ii) produce a thing that may be causing a hand held scanner to indicate that metal is, or is likely to be, present; and
- (c) it is an offence for the person not to comply with the requirement unless the person has a reasonable excuse.

39J Notice of hand held scanner authority to be published

- (1) The commissioner must publish notice about a hand held scanner authority on the police service website within 2 months after the authority is issued.
- (2) The notice must state—
 - (a) the name of the safe night precinct or public transport station for which the hand held scanner authority was issued; and
 - (b) the day and time the authority started and ended; and
 - (c) information about—
 - (i) the offences mentioned in section 39C(2)(a) that were known to the

senior police officer who issued the authority; and

- (ii) the senior police officer's consideration of the matters mentioned in section 39C(2)(b) and (c) in relation to issuing the authority.

39K Effect of part on power to search person without warrant

To remove any doubt, it is declared that—

- (a) the power conferred by this part for a police officer to use a hand held scanner in relation to a person without a warrant does not confer power on a police officer to search a person without a warrant; and
- (b) this part does not affect the power of a police officer to search a person without a warrant under part 2, division 2.

39L Expiry of particular provisions

The following provisions expire on 30 April 2025—

- (a) section 30(1)(l);
- (b) this part;
- (c) schedule 6, definitions—
 - *enforcement act*, paragraph (a)(iia)
 - *hand held scanner authority*
 - *public transport station*
 - *public transport vehicle*
 - *search*, paragraph (d)
 - *senior police officer*, paragraph (aa)
 - *use*, paragraph (aa)

[s 5]

- *weapon*, paragraph (b).

5 Insertion of new s 808C

After section 808B—

insert—

808C Annual report to include information about authorisation of hand held scanners

- (1) The commissioner must ensure the police service's annual report for a financial year, prepared under the *Financial Accountability Act 2009*, includes the following information—
 - (a) the number of hand held scanner authorities issued during the financial year;
 - (b) the names of the safe night precincts and public transport stations for which the authorities were issued;
 - (c) information about—
 - (i) the number of people who were required to submit to the use of hand held scanners under the authorities; and
 - (ii) the number of knives or other weapons that were detected using hand held scanners under the authorities; and
 - (iii) 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 the authorities; and
 - (iv) the number and type of charges made against persons as a result of the use of hand held scanners under the authorities.
- (2) The information included in the annual report under subsection (1) must not include any information that identifies, or is likely to lead to

the identification of, an individual.

6 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *Broadbeach CBD safe night precinct*, *prescribed area*, *Surfers Paradise CBD safe night precinct* and *weapon*—

omit.

- (2) Schedule 6—

insert—

hand held scanner authority, for chapter 2, part 3A, see section 39C(4).

public transport station, for chapter 2, part 3A, see section 39B.

public transport vehicle, for chapter 2, part 3A, see section 39A.

weapon—

- (a) generally—see the *Weapons Act 1990*, schedule 2; and
- (b) for chapter 2, part 3A and chapter 21, part 3, includes—
 - (i) an antique firearm; and
 - (ii) a restricted item.

- (3) Schedule 6, definition *senior police officer*, before paragraph (a)—

insert—

(aa) for chapter 2, part 3A, see section 39A; or

- (4) Schedule 6, definition *use*, paragraph (aa)—

omit, insert—

(aa) a hand held scanner in relation to a person, for chapter 2, part 3A, see section 39A; or

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