Queensland Community Safety Bill 2024

Explanatory Notes

For

Amendments to be moved during consideration in detail by the Honourable Mark Ryan MP, Minister for Police and Community Safety

Title of the Bill

The short title of the Bill is the Queensland Community Safety Bill 2024 (the Bill).

Policy objectives of the Amendments

The objectives of the amendments to the Bill to be moved during consideration in detail are to:

- clarify the obligations for police officers to investigate domestic violence involving children (under 18 years) in a family relationship under section 100 of the *Domestic and Family Violence Protection Act 2012*;
- amend section 43A of the *Explosives Act 1999* as inserted by the Bill to permit the sale of ammunition in circumstances where the seller does not have access to the verification system, due to a system outage or inability to access the internet because of an event out of the seller's control;
- replace the cross-references, in definitions for the removal of online criminal content scheme, to the *Online Safety Act 2021* (Cth) with bespoke definitions in the *Police Powers and Responsibilities Act 2000.* The amendments will also insert an explicit exemption for journalists from the removal of online criminal content scheme;
- amend the definition of a 'state building' in the *Police Powers and Responsibilities Act 2000* to allow a regulation to be made that may prescribe a building or part of a building as a state building if those areas are to be used for an activity with which a local government is directly concerned;
- amend section 609A of the *Police Powers and Responsibilities Act 2000* to clarify the use of body-worn cameras by watch-house officers acting in the performance of their duties is lawful;
- clarify the definition of 'specified person' in section 149A of the *Police Powers and Responsibilities Act 2000*;

- clarify in the *Weapons Act 1990* when making weapons licensing decisions and applying the compulsory exclusionary period as inserted by the Bill, non-recorded convictions are not captured under the non-discretionary application of the fit and proper person test of section 10B (4) and (5) and 10C (2) and (3)(a), but under the discretionary test of section 10B (1) and 10C (1);
- clarify the amendments to section 141Q of the *Weapons Act 1990* as inserted by the Bill to provide a police officer the power to issue a direction to facilitate personal service of a firearm prohibition order issued by the Commissioner of Police, in addition to stipulating that any direction given by a police officer to effect service must be reasonably necessary; and
- clarify the proposed amendments to the *Youth Justice Act 1992* in relation to arrangements for transferring 18-year-old detainees to adult custody, and the way in which the Queensland Human Rights Commissioner is referred to.

These amendments complement the objectives of the Bill, which is to enhance community safety by implementing comprehensive measures to optimise and strengthen law enforcement capabilities and efficiencies, improve crime prevention strategies, and address key issues affecting public security and wellbeing.

The amendments to the Bill will also achieve other policy objectives, including amendments to:

- the *Family Responsibilities Commission Act 2008* to provide an ability for court advice notices to be provided to the Family Responsibilities Commission;
- the *Fire Services Act 1990* to correct two separate minor and technical matters; and
- the *Maritime Safety Queensland Act 2002* to validate the appointment of, and the exercise of powers and functions by, persons who, before 24 April 2024, were employed as general manager for Maritime Safety Queensland, or were employed to act in the office of general manager, but who were not appointed by the Governor in Council as required by section 10(1) of the *Maritime Safety Queensland Act 2002* due to administrative oversight. The amendments will also clarify the nature of the general manager's employment as a senior executive under the *Public Sector Act 2022* and enable the Minister to appoint an acting general manager for up to six months to facilitate relieving arrangements.

Achievement of the policy objectives

The proposed amendments to the Bill achieve its policy objectives by amending the following primary legislation:

- the *Domestic and Family Violence Protection Act 2012* (DFVP Act);
- the *Explosives Act 1999* (Explosives Act);
- the *Police Powers and Responsibilities Act 2000* (PPRA);
- the *Weapons Act 1990* (Weapons Act); and
- the *Youth Justice Act 1992* (YJ Act).

The proposed amendments to the Bill during consideration in detail also include amendments to the *Family Responsibilities Commission Act 2008* (FRC Act), *Fire Services Act 1990* (FS Act) and *Maritime Safety Queensland Act 2002* (MSQ Act).

Amendments to the Domestic and Family Violence Protection Act 2012

Section 22 of the DFVP Act outlines that a child under 18 years cannot be named as the aggrieved or respondent in an application for a domestic violence order or a police protection notice, except where an intimate personal relationship or informal care relationship exists. This means that a domestic violence order or a police protection notice cannot be made between a child under 18 years and their relative (for example, a parent or sibling).

Clauses 106 and 107 of the Bill are intended to remove parent–child relationships from domestic violence responses, allowing them to be appropriately dealt with under child harm or youth justice provisions. Due to the operation of section 22 of the DFVP Act, there is no ability for a domestic violence order or police protection notice to be made between a child under 18 years and their relative under the DFVP Act. However, if a police officer reasonably suspects that domestic violence has been committed, the police officer must investigate the incident under section 100 of the DFVP Act despite there being no ability to make an application.

The amendments to the DFVP Act under clauses 106 and 107 of the Bill do not sufficiently clarify the obligations for a police officer to investigate domestic violence involving a child under 18 years in a family relationship and are therefore inconsistent with the intended policy objective. The proposed amendments to be moved during consideration in detail are intended to clarify the operation of section 100 of the DFVP Act in relation to children under 18 years and ensure the policy intention is achieved.

Definition of 'family relationship'

Clause 106 of the Bill amends the example to the definition of "family relationship" in section 19 by replacing the examples of a "child (including a child 18 years or more)" to a "son, daughter, step-son [or] step-daughter". The example does not limit the meaning of the provision. Therefore, the plain meaning of 'relative' prevails, despite the amendment.

Accordingly, the change to the example does not prevent a child (under 18 years) from being a 'relative' and in a 'family relationship' with another person who they are connected to by blood or marriage. This means clause 106 of the Bill does not clarify the application of the requirement under section 100 for a police officer to investigate domestic violence for matters involving a child (under 18 years) in a family relationship (and not in an intimate personal or informal care relationship).

The amendment to be moved during consideration in detail proposes to remove clause 106 of the Bill as it is unnecessary.

Requirement to investigate

Clause 107 of the Bill clarifies that section 100 of the DFVP Act does not limit a police officer's ability to take action under the broader suite of options available to the police officer under other legislation. However, the requirement under section 100 of the DFVP Act to finish the investigation and make a written record of any action taken (or not taken) before considering alternative options remains.

The amendment to be moved during consideration in detail provides that the requirement under section 100 of the DFVP Act to investigate domestic violence ends when a police officer reasonably believes the relevant relationship between the 2 persons subject of the complaint, report or circumstance is a family relationship and one of the person is under 18 years. This means a police officer can stop investigating domestic violence and need not make a written record of the reasons why no action was taken.

A police officer can continue to investigate and record relevant information when responding to the matter outside the domestic violence context, such as under the Criminal Code or youth justice or child protection frameworks. The amendment to be moved during consideration in detail makes clear that the requirement to investigate under section 100 of the DFVP Act ending does not limit a police officer's responsibilities to continue to investigate the matter, or take action, under other legislation.

The amendment to be moved during consideration in detail will allow police officers responding to incidents involving a parent–child relationship to consider an appropriate response and apply the most appropriate protections to the child and their family.

Other protective frameworks under the DFVP Act relating to children exposed to or at risk of further exposure to domestic violence or associated domestic violence, that enable the child to be specifically named in a domestic violence order, will continue to apply.

Amendments to the Explosives Act 1999

Amendment of the requirement to check licence or authority for sale of small arms ammunition

An amendment is sought to clause 42 of the Bill which establishes a new verification process for purchasing small arms ammunition by inserting section 43A into the Explosives Act.

The amendments respond to submitter concerns raised through the Community Safety and Legal Affairs Committee process.

Submitters identified the meaning of when a verification system is available as contained in section 43A(3) may cause technical ambiguity, and an internet outage would leave a seller unable to sell ammunition.

Under the current wording of section 43A, a seller would be unable to sell small arms ammunition to a buyer in these circumstances and would need to wait until the outage had been restored and the validity of the licence or authority had been checked through the verification system.

Whilst in most instances it is anticipated any internet outage in a particular region would only be for a short period of time, some regional and remote areas may experience outages for several days, or in extreme circumstances, several weeks, due to matters outside their control, such as an extreme weather event.

The amendments to clause 42 will permit the sale of small arms ammunition in circumstances where verification of a buyer's licence or authority is unable to occur at the time of sale, due to a system outage or inability to access the internet because of an event out of the seller's control.

The amendments impose legislative obligations on the seller for information to be recorded for each transaction at the time of sale and require verification by the seller once the system becomes available. Where the seller identifies the buyer's licence or authority was not valid, an obligation for immediate reporting to police is required.

Amendments to the Police Powers and Responsibilities Act 2000

Amending the definition of state building

On 8 September 2016, the Queensland Police Service (QPS) assumed responsibility for providing the security for Queensland Government buildings. This responsibility is met by the Protective Services Group (PSG) which is administered as a distinct unit within the QPS. The PSG provides mobile and static security services for the State including:

- on site security of government property assets;
- an alarm monitoring and response service;
- mobile patrolling of property assets; and
- government identification card production.

Chapter 19 of the PPRA provides police officers and protective services officers (PSOs) employed within PSG with the powers necessary to meet these security measures and restricts the exercise of these powers to areas that are defined as 'state buildings'.

The PPRA defines a state building as a building and its precincts owned or occupied by the State or a non-commercial authority of the State. Alternatively, a regulation may prescribe a building, or part of a building to be a 'state building' provided that the building or part of the building is to be used for an activity with which the State is directly concerned.

The current definition of a state building under the PPRA has distinct consequences, particularly in relation to buildings owned by local governments. These buildings are not considered to be state buildings as they are not owned or occupied by the State. Similarly, a regulation may only prescribe these buildings to be a state building if the building is to be used for an activity with which the State is directly concerned. However, it is in the public interest for all persons, such as employees, attendees and the general community to be provided with a safe environment when attending State or local government buildings.

The objective of the amendment is to amend the definition of a state building so that a regulation may prescribe a building or part of a building to be a state building if this area is to be used for an activity with which the State or a local government is directly concerned. This will allow regulations to be made which may authorise police officers and PSOs to use the full suite of security powers found in the PPRA in prescribed buildings owned or occupied by prescribed local governments.

Amendment to removal of online content scheme

Although the removal of online criminal content scheme can act as a complement to the online content scheme under the *Online Safety Act 2021* (Cth), it is considered appropriate to provide bespoke definitions for the Queensland scheme. This provides clarity about the distinctions between the schemes given their different purposes. The online content scheme is aimed at material which would offend particular classification standards under the *Classification (Publications, Films and Computer Games) Act 1995* (Cth). The removal of online criminal

content scheme is aimed at material depicting particular unlawful conduct which can re-traumatise victims and result in escalation of criminal behaviour.

It is not the policy intention that material published by journalists would be captured by the scheme. Despite it being unlikely for such material to satisfy the "purpose test" in new section 745D(1)(c), to remove any doubt an explicit exemption will be inserted to clarify the scope of the scheme.

Definitions

The Bill introduces a scheme for the removal of online content depicting conduct that constitutes a particular offence. The scheme applies several definitions from the *Online Safety Act 2021* (Cth) by way of reference.

To clarify the meaning and application of these terms within the Queensland context, the amendments propose alternative definitions without reference to the Commonwealth scheme. These are for the terms *material*, *provided*, *provider* and *removed*. The new definitions are consistent with the policy intention outlined in the explanatory notes to the Bill and remain broadly consistent with the Commonwealth scheme.

The amendments replace the term *online service* with the undefined term "social media platform or online social network" for consistency with the advertising circumstances of aggravation and the proposed advertising summary offence.

Social media takes several forms and a provider may provide an online service in many ways, including by:

- enabling the use of a social media platform or an online social network;
- enabling a person using the service to access or retrieve material;
- delivering or streaming material to other users of the service.

The term *provider* is defined to limit its scope to the actual social media platform or online network provider. A mere conduit service is excluded. Examples are included for carriage, caching or hosting services.

The term *removed* has been limited in scope to only apply to people in Queensland. That is, the provider must take all reasonable steps to ensure the material cannot be accessed by anyone in Queensland. This ensures the scheme only regulates material with a connection to Queensland.

Exemption for journalists

Material that relates to a news report, or a current affairs report that is in the public interest and is made by a person working in a professional capacity as a journalist is exempt from the Commonwealth scheme.[1] Likewise, the proposed advertising summary offence in new section 26B does not apply to publication of material by a journalist in the course of their activities as a journalist.

[1] *Online Safety Act 2021* (Cth) section 104.

The amendments insert a provision in new chapter 21A to declare that the scheme does not apply to a journalist who publishes the material in the course of their activities as a journalist.

Authorising watch-house officers to use body-worn cameras

The use of body-worn cameras in watch-houses, in conjunction with existing CCTV systems, allows interactions between watch-house officers and entrants to be recorded. Body-worn cameras are an appropriate risk mitigation tool as they may assist in resolving complaints made by the public and verify that watch-house officers have complied with operational policy and procedure.

Body-worn cameras can record audio. This may capture them as 'listening devices' under the *Invasion of Privacy Act 1971* (IP Act). The IP Act prohibits the use of listening devices to record private conversations and establishes an offence for doing so. In circumstances where a watch-house officer's body-worn camera inadvertently records a private conversation or records a private conversation to which the officer is not a party, there is a risk that the officer may be liable to an offence against the IP Act.

This amendment will clarify that it is lawful for watch-house officers to use body-worn cameras and will exempt watch-house officers from committing an offence under the IP Act where their body-worn camera inadvertently records a private conversation.

Clarification of the term 'specified person'

On 25 March 2022, the *Police Legislation (Efficiencies and Effectiveness) Amendment Act 2022* (the 2022 Act) received assent. The 2022 Act amended section 154A of the PPRA to expand the circumstances where a magistrate or Supreme Court judge may grant a digital device access order to require a 'specified person' to provide access information for a seized device. The expanded circumstances captured where the device was otherwise lawfully seized under the PPRA (section 154A(1)(b)).

The definition of 'specified person' is provided for in section 149A of the PPRA, however, no corresponding amendment to the definition was made in the 2022 Act to explicitly cater for the expanded circumstances permitted by the amendment to section 154A.

The amendments will confirm and give full effect to the policy objective of the amendment to section 154A in the 2022 Act, which was to enable a police officer to apply to a magistrate or Supreme Court judge for an access order where the digital device was otherwise lawfully seized under a provision of the PPRA and removed from a place.

The new validation provision will apply to access orders made under section 154A before the commencement of these amendments. It declares that an order is, and is taken to have always been, as valid as it would have been if the amendments had been in force.

Amendments to the Weapons Act 1990

Clarifying provision for compulsory exclusionary periods

Amendments 20 and 21 insert clarifying provisions into the Bill to confirm the operation of weapons licencing decision making and when a person is a fit and proper to hold a licence.

Following other amendments to sections 10B and 10C in the Weapons Act contained within the Bill, including the new proposed definition of 'convicted' inserted into the Act, stakeholder feedback identified potential legal ambiguity regarding whether nonrecorded convictions are captured when applying the 5- or 10-year exclusionary period restricting a person from holding a weapons licence. The policy intent of amendments in the Bill to these provisions (in particular, in relation to the new section 10B (4) and (5) and 10C (2) and (3)(a) inserted into the Weapons Act) was to confirm spent convictions applied, whilst nonrecorded convictions were excluded.

The amendment will confirm that in circumstances where a person has been convicted of a relevant offence but the conviction has not been recorded, the relevant test to apply is the discretionary test under section 10B (1) and 10C (1) of the Weapons Act. Therefore, while nonrecorded convictions are still relevant and will be considered in the weapons licencing decision making process, an authorised officer retains the ability to determine whether the person is a fit and proper under the circumstances to possess a weapons licence.

Power to issue a direction to facilitate personal service of a firearm prohibition order

Amendment 22 amends clause 73 of the Bill (new section 141Q) which introduces the power for a police officer to give a direction to facilitate effective service of a firearm prohibition order, acknowledging an individual subject of an order may attempt to subvert service.

These directions include requiring the person to confirm their identity, provide their name and address and evidence of this (such as presenting relevant identification), direct the individual to remain at an appropriate place, attend a police station immediately or within a stated period of time or accompany the police officer to the nearest police station or another place.

On its current drafting, new section 141Q applies only to court issued firearm prohibition orders and erroneously excludes firearm prohibition orders issued by the commissioner, which is contrary to the original policy intent of the Bill.

The amendment rectifies this drafting error and provides a police officer the power to issue a direction to an individual to facilitate personal service on either a court or commissioner issued firearm prohibition order. Amendment 23 also introduces a legislative safeguard which clarifies that the power to issue such a direction is available only where a police officer deems it reasonably necessary to enable personal service.

Amendments to the Youth Justice Act 1992

Transfers to adult custody

Clause 126 of the Bill creates a new framework in the YJ Act for the transfer of 18-year-old detainees to adult custody. New section 276C provides for the giving of a 'prison transfer notice'. Subsection (4) sets out mandatory considerations for the chief executive's decision to give a notice, to delay, or not give one. This subsection refers to 'a decision mentioned in subsection (3)'. The correct reference is subsection (2).

New section 276D provides for a later prison transfer notice to be given if the initial decision is to delay or not give a notice. Subsection 276D(3) provides for when a prison transfer notice may be given, despite an earlier decision to delay or not give one. These include that: a circumstance relevant to the chief executive's earlier decision no longer exists; the detainee

poses a risk to the safety or wellbeing of any detainee at the detention centre at which the detainee is, or is to be, detained; or the detainee requests to be given a prison transfer notice. The security or good order of the detention centre has not been included as a consideration. This is inconsistent with other similar provisions – for example, new section 276C(4)(c) and new section 276K(2)(d). The amendments will include the security or good order of the detention centre in new section 276D(3).

References to the Human Rights Commissioner

The Queensland Human Rights Commission (QHRC) stated in its submission to the Community Safety and Legal Affairs Committee[2] that references to the Human Rights Commissioner in the Bill as 'the Human Rights Commissioner under the *Anti-Discrimination Act 1991*' are 'unnecessarily confusing' (p. 17). The Human Rights Commissioner has functions under both the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019*. Mention of only one Act, although technically correct, may create the impression that the exception is limited to the functions under that Act. This would not be consistent with the Commissioner's human rights role. The amendments respond to this feedback.

Clause 125 of the Bill inserts the Human Rights Commissioner into section 263A of the YJ Act. Section 263A(3) prohibits the recording of communications with other similar entities such as the Ombudsman and the Inspector of Detention Services. Clause 127 of the Bill inserts a new section 279B into the YJ Act, making it an offence to take photographs of detainees or of parts of youth detention centres. Subsection (2) includes the Human Rights Commissioner, and other similar entities, as people to whom the offence does not apply. In both cases, the Human Rights Commissioner is referred to as 'the Human Rights Commissioner under the *Anti-Discrimination Act 1991*'. This is technically correct but inconsistent with references to other oversight bodies in these sections and elsewhere in the YJ Act. The amendments will remove the reference to the *Anti-Discrimination Act 1991* from the body of the YJ Act, and will instead include a definition of 'Human Rights Commissioner' in Schedule 4. For consistency, the reference to the Human Rights Commissioner in section 301S of the YJ Act is also amended.

Amendments to the Family Responsibilities Commission Act 2008

These amendments will enable court advice notices to be sent to the Family Responsibilities Commission (FRC) for young people found guilty of offences, excluding first-time offenders.

Providing court advice notices for young offenders will enable the FRC to intervene effectively and provide the necessary support or referral of services to families, particularly focusing on First Nations young people to address environmental factors that may have contributed to the young person's offending behaviour. This is an important early intervention measure to help reduce youth crime and contribute to community safety.

Amendments to the Fire Services Act 1990

Amendment 48 amends section 137(3) of the FS Act to replace the incorrect reference to subsection (3) with a reference to subsection (2).

[2] https://documents.parliament.qld.gov.au/com/CSLAC-40FE/QCSB2024-F5ED/submissions/00000212.pdf

Amendment 48 also amends section 141(2) of the FS Act to replace the incorrect reference to section 138(2) with a reference to section 139(2).

Amendments to the Maritime Safety Queensland Act 2002

Maritime Safety Queensland (MSQ) is Queensland's marine safety and ship-sourced pollution regulator for Queensland's coastal waters. MSQ is established under the MSQ Act. Section 8 of the MSQ Act outlines the powers and functions of MSQ. Under the existing administrative arrangements order, the MSQ Act is administered by the Department of Transport and Main Roads.

Section 10(1) of the MSQ Act provides that the Governor in Council appoints the general manager for MSQ. The effect of this is that the general manager is a statutory office to which only the Governor in Council has power to appoint a person.

By virtue of section 25 of the *Acts Interpretation Act 1954*, the Governor in Council's power of appointment includes the power to appoint a person to act in the role of general manager if the office is vacant during periods of leave or illness, or if the holder of the office is removed, suspended, absent or otherwise unable to discharge the functions of office.

It has been identified that, prior to the appointment of the current general manager by the Governor in Council on 24 April 2024, persons who were employed as general manager or employed to act in the office of general manager, were not appointed by the Governor in Council as required by section 10(1) of the MSQ Act due to administrative oversight. The affected persons were otherwise appropriately qualified for appointment, having been subject to merit-based recruitment and selection processes, and they were employed under contracts of employment entered into with the chief executive under public sector legislation.

The objective of the amendments to be moved during consideration in detail of the Bill is to amend the MSQ Act to validate the appointment of, and the exercise of powers and functions by, persons who, before 24 April 2024, were purportedly employed as general manager or employed to act in the office of general manager, but who were not appointed by the Governor in Council under section 10(1) of the MSQ Act due to administrative oversight.

The amendments will also validate the contracts of employment entered into by those persons with the chief executive, and will have the effect of validating anything done (i.e. decisions and actions) by an entity (e.g. harbour masters and shipping inspectors) relying on the validity of a decision made, or other thing done (e.g. the appointment of the harbour master or shipping inspector), by those affected general managers.

The general manager of MSQ has extensive powers and functions under various pieces of legislation including, but not limited to, the MSQ Act, the *Transport Operations (Marine Safety) Act 1994*, the *Transport Operations (Marine Pollution) Act 1995* and the *Transport Infrastructure Act 1994*. Decisions made under these legislative instruments by the general manager have a significant impact on Queensland's ports and shipping, which also impacts the State's trade and economy.

Legislation is required to retrospectively validate the appointment of, and the exercise of relevant powers and functions by, persons who were purportedly employed as general manager or employed to act in the office of general manager, without having been appointed by the

Governor in Council. This will provide certainty as to the legal effect of the decisions and actions taken by such persons during their relevant periods of employment.

It is also proposed to amend the MSQ Act to clarify the nature of the general manager's employment as a senior executive under the *Public Sector Act 2022* and empower the Minister to appoint a person to act in the office of general manager for a maximum period of six months. In any other circumstance (i.e. for acting arrangements longer than six months), the Governor in Council must approve the acting appointment. An acting arrangement may cover any vacancy in the office of general manager, or periods of leave or other absence. These amendments will support operational and administrative efficiencies and enable relieving arrangements for the general manager of MSQ.

The Bill will achieve the policy objectives by amending the MSQ Act to:

- declare that a person who, at any time before 24 April 2024, was purportedly employed as general manager or employed to act in the office of general manager, without having been appointed under the MSQ Act, is taken to have been validly appointed under the Act;
- declare that a contract of employment entered into between the person and the chief executive is as valid as it would have been had the person been validly appointed under the Act;
- declare that any exercise of powers or functions by the person or MSQ is, and always has been, as valid as it would be or would have been had the person been validly appointed under the Act;
- declare that anything done by an entity relying on the validity of a decision made, or other thing done, by the person or MSQ is, and always has been, as valid as it would be or would have been had the person been validly appointed under the Act;
- clarify that the general manager of MSQ is employed as a senior executive under the *Public Sector Act 2022*; and
- allow the Minister to appoint an appropriately qualified person to act in the office of general manager for a term of not more than 6 months (including any further term of reappointment), to cover any periods of vacancy or if the general manager is absent or unable to perform the duties of the office for any reason, and to provide that, in any other circumstance, the Governor in Council must approve the acting appointment.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by legislative reform.

Estimated cost for government implementation

There are no costs to government to implement the amendments.

As noted in the Explanatory Notes for the Bill, costs arising from these legislative amendments will be met from existing agency resources. Any funding required beyond existing agency resources will be subject to normal budget processes.

Consistency with fundamental legislative principles

The Bill has been prepared with due regard to the fundamental legislative principles outlined in the *Legislative Standards Act 1992* (LSA) and is generally consistent with fundamental legislative principles. The Explanatory Notes for the Bill address issues of consistency with the fundamental legislative principles raised by a number of amendments. Potential breaches of fundamental legislative principles are addressed below.

Amending the definition of state buildings in the PPRA

It may be argued that this amendment touches upon a fundamental legislative principle in that legislation should only allow the delegation of legislated power in appropriate cases and to appropriate persons. However, this amendment simply expands the buildings, or parts of buildings, that may be prescribed by regulation as state buildings to include those buildings used for an activity with which a prescribed local government is directly concerned. This amendment is not general in nature but limited to prescribing as state buildings those specific buildings with which specific local governments have a direct concern. As such, this amendment is consistent with the current limitation that only allows the prescribing of state buildings to those buildings that are to be used for an activity with which the State is directly concerned.

This amendment is considered justifiable as it is in the public interest for State and local government buildings to be safe spaces for government employees and all visitors. This amendment will allow regulations to be made that may declare specific local government buildings in specific local government areas to be state buildings. This will allow police officers and PSOs deployed to these areas to use the full range of security powers under the PPRA to ensure that these areas are appropriately secured. Any concerns about the infringement of this fundamental legislative principle is outweighed by the need to provide appropriate security measures in state buildings so that persons who use these areas may do so in safety.

Authorising watch-house officers to use body-worn cameras in the PPRA

The Bill will provide watch-house officers with an exemption to the general prohibition on recording private conversations under section 43(2)(d) of the IP Act. It may be argued that this amendment touches upon a fundamental legislative principle in that legislation should not confer immunity from proceeding or prosecution without adequate justification.

However, this amendment is justified as the use of body-worn cameras is recognised as an important method of documenting events. Body-worn cameras may provide indisputable evidence that may be used in resolving discipline matters. Use of this technology has been adopted by a range of government officials and in private industry.

In most private conversations recorded by a body-worn camera, the watch-house officer will be a party to the conversation and therefore have the right to record the conversation under the IP Act. Regardless, it cannot be assumed that a watch-house officer's body-worn camera will not inadvertently or unexpectedly record a conversation to which the officer is not a party. It is reasonable, in these circumstances, that a watch-house officer should be protected from liability arising from using a body-worn camera in accordance with the amendments in the Bill.

Clarification of the term 'specified person'

Section 4(3)(g) of the LSA provides that one of the factors in determining whether legislation has sufficient regard to the rights and liberties of individuals is whether it adversely affects rights and liberties or imposes obligations retrospectively.

This fundamental legislative principle reflects the common law presumption that Parliament intends legislation to operate prospectively rather than retrospectively. However, this presumption in no way limits the sovereignty of parliament to legislate retrospectively and the presumption can be displaced if the legislation expressly states an intention to apply retrospectively or if the intention is clearly implied in the words of the statue.

Although retrospective legislation may generally be undesirable, in certain circumstances it can be both necessary and justified. Parliamentary Committees generally do not object to retrospective legislation that is curative or validating and is justified in order to clarify the general law or legislation.

The purpose of the amendments is to confirm and give full effect to the policy objective of the 2022 Act amendment to section 154A, which was to enable a police officer to apply to a magistrate or Supreme Court judge for an access order where the digital device was otherwise lawfully seized under a provision of the PPRA. The amendments will provide certainty to persons involved in applicable applications for access orders that their orders were valid and lawful.

Clarifying provision for compulsory exclusionary periods in the Weapons Act

The amendments do not represent a departure from the fundamental legislative principles. The clarifying provisions remove any ambiguity in relation to weapons licensing decisions and the application of the compulsory exclusionary period, clarifying that non-recorded convictions are not captured.

Amendments to the FRC Act

The proposed amendments are consistent with the fundamental legislative principles outlined in the LSA.

The primary fundamental legislative principle is whether the amendments have sufficient regard for the rights and liberties of individuals, in section 4 of the LSA, in particular the right to privacy and confidentiality, through the details of convictions and identifying details of children being provided to the FRC and providing this information to relevant entities. Section 147 of the FRC Act has confidentiality provisions that protect the recording, disclosure and use of confidential information gained by a person involved in the administration of the FRC Act and provides further protection to ensure the confidentiality of the details of the conviction and details of children provided to the FRC, and relevant entities that it provides this information to.

The main objectives of the amendments are to operationalise a power to give effect to the overall purpose of the FRC Act. The overall purpose of the FRC Act is to support the restoration of socially responsible standards of behaviour and local authority; and to help people resume primary responsibility for the wellbeing of their community and the individuals and families of the community.

The requirements of section 4(3)(j) of the LSA to observe Aboriginal tradition and Island custom have been met by the extensive community consultations conducted in relation to welfare reform before the original court advice notice amendments were introduced in 2014 to which the current amendments return.

Amendments to the MSQ Act

Section 4(3)(g) of the LSA specifically provides that legislation should not adversely affect rights and liberties of individuals, or impose obligations, retrospectively. This fundamental legislative principle reflects the presumption at common law that, unless the contrary intention appears, it is Parliament's intention that legislation operates prospectively and not retrospectively.

The presumption against retrospectivity does not limit Parliament's power to legislate retrospectively. The presumption can be displaced if the legislation expressly states, or clearly implies, that the provisions are to apply retrospectively, and it is further displaced if the legislation is characterised as validating to overcome an invalidity arising under a pre-existing law.

The proposed amendments to the MSQ Act will retrospectively validate the appointment of, and the exercise of powers and functions by, persons who were purportedly employed as general manager or employed to act in the office, despite never having been appointed by the Governor in Council as required by section 10(1) of the MSQ Act. The proposed amendments will also retrospectively validate the contracts of employment entered into with the chief executive by those persons.

These amendments may be considered a departure from the fundamental legislative principle under section 4(3)(g) of the LSA as they apply retrospectively. However, any departure from this fundamental legislative principle is justified as the amendments are curative in nature and will provide certainty to individuals and to the maritime industry and sector as a whole by ensuring the validity of the appointment of, and any exercise of powers and functions by, persons who were purportedly employed as general manager or employed to act in the office of general manager, at any time before 24 April 2024.

The proposed amendments will also allow the Minister to appoint an appropriately qualified person to act in the role of the general manager of MSQ for up to six months, to cover any periods of vacancy or leave or if the general manager cannot perform the duties of office for whatever reason. This may raise fundamental legislative principle concerns about the delegation of administrative power in appropriate cases and to appropriate persons (section 4(3)(c) of the LSA). Any potential breach is justified as it is appropriate that the Minister be able to appoint someone to act in the role for short periods up to six months when there is a vacancy in the office or if the general manager is absent for whatever reason, to ensure business continuity and enable relieving arrangements for the general manager of MSQ in line with standard administrative practices.

Consultation

Consultation was undertaken with stakeholders before introduction of the Bill as outlined in the Explanatory Notes for the Bill and during the Parliamentary Committee process.

Amendments to the FRC Act

Recommendation 11 of the Youth Justice Reform Select Committee stated – that the Queensland Government consider introducing legislation seeking to operationalise the "Children's Court Trigger" in accordance with section 43(2) of the FRC Act.

The amendments respond to this recommendation by providing court advice notices for young offenders (referred to by the Committee as the 'Childrens Court Trigger').

There has been continued advocacy from Local FRC Commissioners in relation to the provision of court advice notices for young offenders. In the FRC's Annual Report 2023-24, the reports from Local Commissioners for Aurukun, Hope Vale, Doomadgee and Mossman Gorge specifically reference the need for court advice notices for young offenders to facilitate a holistic approach of the FRC providing support for the whole family, for the young offender as well as the parents or caregivers of the young offender.

The FRC has been consulted during drafting in relation to achieving the policy intent of the amendments.

Amendments to the MSQ Act

No public consultation has been undertaken as the amendments relate to internal public sector management and do not have any substantive impacts.

The amendments also do not require regulatory impact analysis under the Queensland Government Better Regulation Policy. Regulatory impact analysis is generally only required for proposals that have some impact on business, the community or government.

Remaining amendments are minor and technical in nature. Separate stakeholder consultation was not considered necessary. The amendments will ensure the Bill operates as intended.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with, or complementary to, the legislation of the Commonwealth or any other State. However, in developing parts of the Bill, consideration has been given to ensuring consistency with the legislation of the Commonwealth, where appropriate.

Amendment to removal of online content scheme in the PPRA

There is an existing Commonwealth scheme in the *Online Safety Act 2021* (Cth) which empowers the eSafety Commissioner to give an online service a notice requiring removal of particular material. Material subject to the Commonwealth scheme is defined by reference to classification standards under the *Classification (Publications, Films and Computer Games) Act 1995* (Cth).

The Bill establishes a scheme complementary to the Commonwealth scheme. The amendments replace cross-references to terms defined in the *Online Safety Act 2021* (Cth) with bespoke definitions.

The material covered by the Bill depicts conduct that constitutes a prescribed offence against an Act of Queensland, some of which are unlikely to be captured under the Commonwealth scheme.

Distinct definitions have been used to reflect the differences between the purposes of the scheme. The Queensland scheme only applies in respect of material with a connection to Queensland and depicting a prescribed offence.

Notes on provisions

Amendment 1 amends clause 4 by replacing the cross-references to the *Online Safety Act 2021* (Cth) with bespoke definitions. Because it is no longer required, the definition for *online service* is removed.

Amendment 2 amends clause 4 by replacing the cross-reference to the *Online Safety Act 2021* (Cth) with a bespoke definition of *removed*. The new definition clarifies that it applies only in respect of people in Queensland.

Amendment 3 amends clause 4 by replacing the term *online service* with *social media platform or online social network.*

Amendment 4 amends clause 4 by replacing the concept of 'posting' with 'publishing' and replacing the term *online service* with *social media platform or online social network.*

Amendment 5 amends clause 4 by replacing the concept of 'posting' with 'publishing' and replacing the term *online service* with *social media platform or online social network.*

Amendment 6 amends clause 4 by inserting subsection (1A) into new section 745D to provide that the section does not apply in relation to material posted on a social media platform or online social network by a journalist in the course of their activities as a journalist.

Amendment 7 amends clause 4 by replacing the term *online service* with *social media platform or online social network.*

Amendment 8 amends clause 4 by replacing the term *service* with *platform or network.*

Amendment 9 amends clause 4 by inserting subsection (7) into new section 745D to provide that, in this section, *journalist* has the same meaning as in section 14R of the *Evidence Act 1977*.

Amendment 10 amends clause 4 by replacing the term *online service* with *social media platform or online social network.*

Amendment 11 amends clause 4 by replacing the term *online service* with *social media platform or online social network.*

Amendment 12 amends clause 4 by replacing the term *online service* with *social media platform or online social network.*

Amendment 13 amends clause 5 by omitting the term *online service*.

Amendment 14 amends clause 5 by replacing the term *online service* with *social media platform or online social network.*

Amendment 15 amends clause 5 by replacing the term *online service* with *social media platform or online social network.*

Amendment 16 amends clause 5 by replacing the term *online service* with *social media platform or online social network*.

Amendment 17 amends clause 42 by introducing a minor stylistic change to the heading of the new section 43A so that is reads 'Requirement to check licence or authority for sale of small arms ammunition'.

Amendment 18 amends clause 42 by omitting the current section 43A(2)(b) and replacing it with a revised version. The new paragraph (b) reiterates that if the verification system is available for use by the seller, the seller must verify the validity of the licence or authority using the verification system. Additionally, it introduces a new requirement identifying a seller must not sell small arms ammunition to a buyer unless the seller has recorded the information required under subsection (3) if the verification system is not available for use by the seller at the point of sale.

Amendment 19 amends clause 42 by omitting the current section 43A(3) and inserting a new subsection (3) to impose new obligations on a seller of small arms ammunition to record certain information in relation to the sale of ammunition in circumstances when the verification system is not available for use in accordance with the new section 43A(2)(b)(ii).

Amendment 20 amends clause 58 by revising the drafting of subsection (7) to clarify that for the purpose of subsections (4) and (5) which relate to an individual's suitability to hold a licence if they have been convicted of a relevant offence, the conviction must be a recorded conviction and may be a spent conviction.

Amendment 21 amends clause 59 by revising the drafting of subsection (4) to clarify that for the purpose of subsection (2) and (3)(a) which relate to an individual's suitability to be an associate of a licensed dealer if they have been convicted of a relevant offence, the conviction must be a recorded conviction and may be a spent conviction.

Amendment 22 amends clause 73 which inserts a new part 5A (Firearm prohibition orders) into the Weapons Act, by amending the new section 141Q which provides police officers the power to give directions to facilitate personal service of firearm prohibition orders. The amendment omits subsection (1)(a) and inserts a revised subsection (1)(a)(i)-(ii) which identifies the section applies if a firearm prohibition order is made in relation to an individual by the commissioner or by the court and the individual is not present in court when the order is made. Thereby correcting a drafting error to ensure the power to issue a direction applies to both court issued firearm prohibition orders and orders issued by the Commissioner of Police.

Amendment 23 also amends clause 73 by introducing a new subsection (2A) into section 141Q which provides that any direction under subsection (2) may be given only if the police officer considers it is reasonably necessary to enable service of the firearm prohibition order.

Amendment 24 omits clause 106 by removing the amendment to the example of 'relative' within the meaning of family relationship and relative.

Amendment 25 amends clause 107 by inserting a new subsection (5A) into section 100 of the DFVP Act to clarify that the obligation ends for a police officer to investigate domestic violence, or to make a written record of the reasons for not taking any action, where 1 of the persons is a child under 18 years and the only type of relevant relationship between the 2 persons is a family relationship.

Amendment 26 amends clause 107 by inserting reference to new subsection (5A) into new subsection (7). This puts beyond doubt that, where a police officer's obligations end because of new subsection (5A), there is no limitation on the police officer's responsibilities to investigate the matter, or to take action, under another Act.

Amendment 27 amends the Bill to insert a new division 1A (Amendments of Family *Responsibilities* Commission Act 2008), which contains new clauses 112A and 112B.

Clause 112A identifies that division 1A amends the *Family Responsibilities Commission Act 2008*.

Clause 112BA amends section 43 (Court advice notices) of the *Family Responsibilities Commission Act 2008*.

Subsection (1) omits the current subsection 43(1)(b) reference to section 301 of the *Youth Justice Act 1992* and inserts a new subsection in its place to provide that court notices are to be sent for children who are not first-time offenders.

Subsection (2) amends subsection 43(1)(c)(iii) to include that court notices should be sent where the chief executive (justice) learns that the child (in addition to a parent) lives or has lived in a welfare reform community area.

Subsection (3) amends subsection 43(3)(b) to include that the court officer must provide the court *notice* as soon as practicable but no more than 10 business days after the court officer learns that the child or a parent of the child lives or has lived in a welfare reform community area.

Subsection (4) inserts a new subsection (43)(3)(c), to include that the court officer must provide the *notice* as soon as practicable, but not more than 10 business days, after a court officer learns the child who has been convicted is not a first-time offender.

Subsection (5) inserts subsection (3A), to provide that a person who gains information relating to a child through the involvement in the administration of the *Youth Justice Act 1992* may disclose the information to the chief executive (justice), for the purpose of facilitating the giving of court advice notices. Subsection (5) also inserts subsection (3B), to clarify that disclosing information to a court, or providing a court advice notice does not amount to a publication of information about a child, which is prohibited under section 301 of the *Youth Justice Act 1992.*

Subsection (6) amends subsection 43(4), to omit the definition of *identifying information* which referred to the *Youth Justice Act 1992*, and the definition of *court officer.*

Subsection (7) inserts the following definitions:

chief executive (justice), which means the chief executive of the department in which the *Attorney-General Act 1999* is administered. This amendment is necessary to enable the operation of the court advice notices to be sent from chief executive of justice (or delegate).

A new definition of *court officer* has been inserted, which now separates the definition of court officer based on jurisdiction. The definition in relation to courts that convict an adult, and courts that make a protection order against a person remain the same. For a court that convicts a child, the court officer is now defined to be the chief executive (justice), which is necessary to enable the chief executive of justice (or delegate) to issue court advice notices.

A definition of *first-time offender* in relation to a child has been inserted, meaning a child who has not previously been convicted of an offence.

Subsection (8) renumbers subsections 43(3A) to (4) as subsections 43(4) to (6).

Amendment 28 amends clause 125 to amend the reference to the Human Rights Commissioner in new section 263A(3) for consistency with references to other statutory positions. This amendment operates in conjunction with *Amendment 40.*

Amendment 29 amends clause 126 so the new section 276C(4) refers to subsection (2), under which the relevant decision is made, instead of subsection (3).

Amendment 30 amends clause 126 as a consequence of *Amendment 29.*

Amendment 31 amends clause 126 as a consequence of *Amendment 29.*

Amendment 32 amends clause 126 to correct section references as a consequence of *Amendment 29*.

Amendment 33 amends clause 126 to provide that new section 276D(3) includes consideration of the security or good order of the detention centre, which was inadvertently omitted from the Bill.

Amendment 34 corrects a conjunction error.

Amendment 35 amends clause 126 to correct a section reference as a consequence of *Amendment 29.*

Amendment 36 amends clause 126 to update a section reference as a consequence of *Amendment 33.*

Amendment 37 amends clause 126 to update a section reference as a consequence of *Amendment 33.*

Amendment 38 amends the reference to the Human Rights Commissioner in new section 279B(2) for consistency with references to other statutory positions. This amendment operates in conjunction with *Amendment 40.*

Amendment 39 amends the reference to the Human Rights Commissioner in section 301S of the *Youth Justice Act* 1992, as a consequence of *Amendments* 28 and 38, for consistency with references to other statutory positions. This amendment operates in conjunction with *Amendment 40.*

Amendment 40 operates in conjunction with *Amendments 28, 38 and 39*. It inserts a definition of 'human rights commissioner' into schedule 4 of the *Youth Justice Act 1992*.

Amendment 41 amends the Bill to introduce the heading for a new part 4A (Miscellaneous) and the heading for a new division 1 (Amendment of Maritime Safety Queensland Act 2002) in the new part 4A.

This amendment also inserts new clauses 133A to 133C in the new part 4A, division 1.

Clause 133A identifies that part 4A, division 1 of the Bill amends the *Maritime Safety Queensland Act 2002.*

Clause 133B amends section 10(2) of the *Maritime Safety Queensland Act 2002* (Appointment of general manager) to clarify that the general manager is employed as a senior executive under the *Public Sector Act 2022*.

Clause 133C inserts new section 11B (Acting general manager) into the *Maritime Safety Queensland Act 2002*.

Section 11B(1) provides that the Minister may appoint an appropriately qualified person to act in the office of general manager if:

a) there is a vacancy in the office of general manager; or
b) the general manager is absent from duty or, for another reason, cannot perform the duties of office.

Section 11B(2) provides that the person may be appointed to act in the office for a term of not more than 6 months.

Section 11B(3) provides that the person may be reappointed to act in the office:

a) if the appointment is continuous on 1 or more of the person's previous appointments as acting general manager and the total period of continuous appointments is not more than 6 months—by the Minister; or
b) otherwise—by the Governor in Council.

This provision makes it clear that the Minister can only approve acting arrangements for a maximum period of six months, including any further term of reappointment. Beyond six months, the Governor in Council must approve the acting appointment.

Section 11B(4) provides that a person appointed or reappointed by the Minister under this section holds office on the terms and conditions, including remuneration and allowances, decided by the Minister. The corollary is that the Governor in Council decides the terms and conditions, including remuneration and allowances, for any person appointed or reappointed to act in the role by the Governor in Council.

Section 11B(5) provides that this section does not otherwise limit the application of the *Acts Interpretation Act 1954*, sections 24B or 25 for the appointment. This provision ensures the application of sections 24B and 25 of the *Acts Interpretation Act 1954* to acting general manager appointments made under the *Maritime Safety Queensland Act 2002*.

Amendment 42 amends the Bill to insert new clauses 133D and 133E in the new part 4A, division 1 introduced in *Amendment 41.*

Clause 133D amends the heading to part 5 of the *Maritime Safety Queensland Act 2002* to "Transitional and validation provisions".

Clause 133E inserts a new division 4 (Validation provision for Queensland Community Safety Act 2024) into part 5 of the *Maritime Safety Queensland Act 2002*.

New section 22 (Particular appointments to office of general manager) applies in relation to a person who, at any time before 24 April 2024, was purportedly employed as general manager, or was purportedly employed to act in the office of general manager, without having been appointed to the office or to act in the office under the *Maritime Safety Queensland Act 2002*.

Section 22(2) declares that:

a) despite section 10, the person is taken to have been validly appointed to the office of general manager, or to act in the office, under the *Maritime Safety Queensland Act 2002*, for the period the person was purportedly employed; and
b) a contract of employment entered into between the person and the chief executive before 24 April 2024 is as valid as it would have been had the person been validly appointed to the office of general manager, or to act in the office, under the Act, when the contract was entered into; and
c) each relevant exercise of power by the person or MSQ is, and always has been, as valid as it would be or would have been had the person been validly appointed to the office of general manager, or to act in the office, under the Act; and
d) anything done by an entity relying on the validity of a decision made, or other thing done, before 24 April 2024 by the person or MSQ is, and always has been, as valid as it would be or would have been had the person been validly appointed to the office of general manager, or to act in the office, under the Act when the decision was made or other thing done.

Section 22(3) provides definitions for the section, including for the terms “done”, “exercise or performance”, “made” and “relevant exercise of power”.

Amendment 43 amends the Bill to introduce the heading for a new division 2 (Amendment of Police Powers and Responsibilities Act 2000) in the new part 4A introduced in *Amendment 41*.

The amendment also inserts new clauses 133F and 133G in the new part 4A, division 2.

Clause 133F identifies that part 4A, division 2 of the Bill amends the *Police Powers and Responsibilities Act 2000.*

Clause 133G amends section 609A (Use of body-worn cameras) of the *Police Powers and* Responsibilities *Act 2000* to clarify that it is lawful for watch-house officers to use body-worn cameras.

Amendment 44 amends the Bill to insert new clause 133H in the new part 4A, division 2 introduced in *Amendment 43.*

Clause 133H amends section 149A (Definitions for chapter) of the *Police Powers and Responsibilities Act 2000* to clarify that the definition of a ‘specified person’ applies to a digital device that is otherwise lawfully seized under the Act and removed from a place.

Amendment 45 amends the Bill to insert new clause 133I in the new part 4A, division 2 introduced in *Amendment 43.*

Clause 133I amends section 549 (Meaning of *state building*) of the *Police Powers and Responsibilities Act 2000.*

Section 549 defines a state building as a building and its precincts owned or occupied by the State or a non-commercial authority of the State. Alternatively, a regulation may prescribe a building, or part of a building to be a 'state building' provided that the building or part of the building is to be used for an activity with which the State is directly concerned.

The amendment to section 549 will allow a regulation to be made to prescribe a building or part of a building as a state building if that area is to be used for an activity with which a local government is directly concerned.

Amendment 46 amends the Bill to insert new clauses 133J and 133K in the new part 4A, division 2 introduced in *Amendment 43.*

Clause 133J inserts a new chapter 24, part 27 (Validation provision for Queensland Community Safety Act 2024) and section 900 (Validation of orders made under s 154A) into the *Police Powers and Responsibilities Act 2000.*

Section 900(1) provides that the section applies in relation to an order made under section 154A before the commencement.

Section 900(2) provides that the order is, and is taken to have always been, as valid as it would have been if, at the time it was made, the definition of specified person under section 149A, as amended by the Queensland Community Safety Act 2024, was in force.

Clause 133K amends schedule 6 (Dictionary) of the *Police Powers and Responsibilities Act 2000* to include that the definition of a specified person applies to a digital device that is otherwise lawfully seized under this Act and removed from a place.

Amendment 47 amends schedule 1 (Other amendments) to the Bill to insert clause 1AA and clause 1AB.

Clause 1AA amends section 552A (1)(b)(iii) to replace the reference to 'section 335(2)(a)' with 'section 335(3)(a)'. This is consequential to the insertion of the new circumstance of aggravation in section 335 that applies where an offender publishes material online to advertise the commission of the offence.

Clause 1AB amends 552BA(4)(aa) to replace the reference to 'section 335(2)(a)' with 'section 335(3)(a)'. This is consequential to the insertion of the new circumstance of aggravation in section 335 that applies where an offender publishes material online to advertise the commission of the offence.

Amendment 48 amends schedule 1 (Other amendments) to the Bill which amends sections 137(3) and 141(2) of the *Fire Services Act 1990*.

The amendment to section 137(3) of the *Fire Services Act 1990* replaces the reference to subsection (3) with a reference to subsection (2).

The amendment to section 141(2) of the *Fire Services Act 1990* replaces the reference to section 138(2) with a reference to section 139(2).

Amendment 49 amends the long title of the Bill to include a reference to the *Family Responsibilities Commission Act 2008* as an Act which is amended by the Bill.

Amendment 50 amends the long title of the Bill to include a reference to the *Maritime Safety Queensland Act 2002* as an Act which is amended by the Bill.