

Queensland Community Safety Bill 2024

Amendments during consideration in detail to be moved by
The Honourable the Minister for Police and Community Safety

1 Clause 4 (Insertion of new ch 21A)

Page 16, lines 7 to 17—

omit, insert—

material means any material capable of being published online using a social media platform or online social network, including, for example—

- (a) sounds, including speech or music; or
- (b) visual images, whether moving or not; or
- (c) text; or
- (d) material that is any combination of sound, images or text; or
- (e) material that is digitally created, altered or manipulated.

provided, in relation to material on a social media platform or online social network, means the material is accessible by, or delivered to, 1 or more persons using the platform or network.

provider, of a social media platform or online social network, does not include a person that merely provides a service that enables material to be accessed or delivered but is not, of itself, a social media platform or online social network.

Examples—

- a carriage service under the *Telecommunications Act 1997* (Cwlth)
- a caching or hosting service

2 Clause 4 (Insertion of new ch 21A)

Page 16, lines 19 and 20—

omit, insert—

removed, in relation to material on a social media

platform or online social network, means the material is not accessible by, or delivered to, any person in Queensland using the service.

3 Clause 4 (Insertion of new ch 21A)

Page 17, line 1, ‘an online service’—

omit, insert—

a social media platform or online social network

4 Clause 4 (Insertion of new ch 21A)

Page 17, line 16, ‘posted the material on the online service’—

omit, insert—

published the material on the social media platform or online social network

5 Clause 4 (Insertion of new ch 21A)

Page 17, lines 28 and 29, ‘posted on the online service’—

omit, insert—

published on the social media platform or online social network

6 Clause 4 (Insertion of new ch 21A)

Page 17, after line 31—

insert—

(1A) However, this 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.

7 Clause 4 (Insertion of new ch 21A)

Page 17, lines 33 and 34, ‘online service’—

omit, insert—

social media platform or online social network

8 Clause 4 (Insertion of new ch 21A)

Page 18, line 1, ‘service’—

omit, insert—

platform or network

9 Clause 4 (Insertion of new ch 21A)

Page 18, after line 22—

insert—

(7) In this section—

journalist see the *Evidence Act 1977*, section 14R.

10 Clause 4 (Insertion of new ch 21A)

Page 18, lines 25 and 26, ‘an online service’—

omit, insert—

a social media platform or online social network

11 Clause 4 (Insertion of new ch 21A)

Page 19, lines 19 and 20, ‘an online service’—

omit, insert—

a social media platform or online social network

12 Clause 4 (Insertion of new ch 21A)

Page 19, line 26, ‘an online service’—

omit, insert—

a social media platform or online social network

13 Clause 5 (Amendment of sch 6 (Dictionary))

Page 20, line 13—

omit.

14 Clause 5 (Amendment of sch 6 (Dictionary))

Page 20, line 14, ‘on an online service’—

omit, insert—

in relation to material on a social media platform
or online social network

15 Clause 5 (Amendment of sch 6 (Dictionary))

Page 20, line 16, ‘of an online service’—

omit, insert—

of a social media platform or online social
network

16 Clause 5 (Amendment of sch 6 (Dictionary))

Page 20, line 20, ‘from an online service’—

omit, insert—

in relation to material on a social media platform
or online social network

17 Clause 42 (Insertion of new s 43A)

Page 45, line 5, ‘before selling’—

omit, insert—

for sale of

18 Clause 42 (Insertion of new s 43A)

Page 45, lines 23 to 27—

omit, insert—

- (b) if a verification system is prescribed by regulation for the licence or authority—
 - (i) if the verification system is available for use by the seller—the seller has verified the validity of the licence or authority using the verification system; or
 - (ii) if the verification system is not available for use by the seller—the seller has recorded the information required under subsection (3).

19 Clause 42 (Insertion of new s 43A)

Page 45, lines 29 and 30—

omit, insert—

- (3) For subsection (2)(b)(ii), the following information must be recorded for each transaction for the sale of the small arms ammunition to a buyer—
 - (a) the date and time of the transaction;
 - (b) the type and quantity of the ammunition;
 - (c) the name and address of the buyer;
 - (d) the buyer's licence number or authority number;
 - (e) the expiry date of the buyer's licence or authority;
 - (f) if the licence or authority is an interstate firearms authority—the state that issued the interstate firearms authority;
 - (g) if the verification system is not available for use by the seller in the circumstances mentioned in subsection (3B)(b)—
 - (i) the reason the seller is unable to access the internet, if known; and

(ii) the seller's internet service provider.

(3A) If a seller sells small arms ammunition to a buyer when a verification system prescribed under subsection (2)(b) is not available for use by the seller, the seller must—

- (a) as soon as practicable after the system becomes available for use by the seller, verify the validity of the licence or authority using the verification system; and
- (b) if the verification system indicates the buyer's licence or authority is not valid—immediately report the transaction to police.

Maximum penalty—140 penalty units.

(3B) For this section, a verification system is not available for use by a seller if—

- (a) the system is not operational; or
- (b) the seller is unable to access the internet because of an event out of the seller's control.

Example for paragraph (b)—

a power outage that causes the seller's internet to be inaccessible

20 **Clause 58 (Amendment of s 10B (Fit and proper person—licensees))**

Page 55, lines 16 to 18—

omit, insert—

- (7) For subsections (4) and (5), the conviction—
 - (a) must be a recorded conviction; and
 - (b) may be a spent conviction.

21 Clause 59 (Amendment of s 10C (Fit and proper person—licensed dealer’s associate))

Page 57, lines 7 to 9—

omit, insert—

- (4) For subsections (2) and (3)(a), the conviction—
 - (a) must be a recorded conviction; and
 - (b) may be a spent conviction.

22 Clause 73 (Insertion of new pt 5A)

Page 75, lines 29 to 32—

omit, insert—

- (a) a firearm prohibition order is made in relation to an individual—
 - (i) by the commissioner; or
 - (ii) by the court and the individual is not present in court when the order is made; and

23 Clause 73 (Insertion of new pt 5A)

Page 76, after line 25—

insert—

- (2A) A 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.

24 Clause 106 (Amendment of s 19 (Meaning of family relationship and relative))

Page 135, lines 15 to 20—

omit.

25 Clause 107 (Amendment of s 100 (Police officer must investigate domestic violence))

Page 135, after line 22—

insert—

(1A) Section 100—

insert—

(5A) A police officer’s obligation to investigate a complaint, report or circumstance of domestic violence under subsection (1), or to make a written record under subsection (4), ends if the officer reasonably believes that—

- (a) the only type of relevant relationship that exists between the 2 persons the subject of the complaint, report or circumstance is a family relationship; and
- (b) one of the persons is under 18 years.

26 Clause 107 (Amendment of s 100 (Police officer must investigate domestic violence))

Page 135, line 28, after ‘(4),’—

insert—

or stops investigating a matter, or taking action, under subsection (5A),

27 After clause 112

Page 141, after line 3—

insert—

**Division 1A Amendment of Family
Responsibilities
Commission Act 2008**

112A Act amended

This division amends the *Family Responsibilities Commission Act 2008*.

112B Amendment of s 43 (Court advice notices)

- (1) Section 43(1)(b)—
omit, insert—
 - (b) for a person convicted of an offence who is a child—the person is not a first-time offender; and
- (2) Section 43(1)(c)(iii), after ‘learns that’—
insert—

the child or
- (3) Section 43(3)(b), after ‘is a child,’—
insert—

the child or
- (4) Section 43(3)—
insert—
 - (c) for a convicted person who is a child—the court officer learns that the person is not a first-time offender.
- (5) Section 43—
insert—
 - (3A) A person who has gained, gains or has access to, confidential information relating to a child through 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.
 - (3B) To remove any doubt, it is declared that, for

the *Youth Justice Act 1992*, section 301, neither of the following is publication of identifying information about a child—

- (a) giving a court advice notice under this section;
 - (b) disclosing confidential information under subsection (4).
- (6) Section 43(4), definitions *court officer* and *identifying information*—
omit.
- (7) Section 43(4)—
insert—

chief executive (justice) means the chief executive of the department in which the *Attorney-General Act 1999* is administered.

court officer means—

- (a) for a court that convicts a person who is an adult—
 - (i) for the District Court—the registrar of the court; or
 - (ii) for a Magistrates Court—the clerk of the court; or
 - (iii) for the Supreme Court—the registrar of the court; or
- (b) for a court that convicts a person who is a child—the chief executive (justice); or
- (c) for a court that makes a protection order against a person—the clerk of the court within the meaning of the *Domestic and Family Violence Protection Act 2012*.

first-time offender, in relation to a child convicted of an offence, means a child who

has not previously been convicted of an offence.

(8) Section 43(3A) to (4)—

renumber as section 43(4) to (6).

28 Clause 125 (Amendment of s 263A (Recordings in detention centres and use of body-worn cameras))

Page 151, lines 27 and 28—

omit, insert—

(i) the human rights commissioner.

29 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 154, line 21, '(3)'—

omit, insert—

(2)

30 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 154, lines 27 and 28, from 'a decision' to 'transfer the detainee,'—

omit, insert—

the decision

31 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 154, lines 32 and 33, from 'a decision' to 'transfer the detainee,'—

omit, insert—

the decision

32 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 155, lines 9 to 12—

omit, insert—

decision mentioned in—

- (a) section 276C(2)(b) to temporarily delay giving the detainee a prison transfer notice; or
- (b) section 276C(2)(c) to not give the detainee a prison transfer notice.

33 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 155, after line 26—

insert—

- (ba) the detainee poses a risk to the security or good order of the detention centre at which the detainee is, or is to be, detained; or

34 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 156, line 27, ‘and’—

omit, insert—

or

35 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 156, line 29, ‘276C(3)’—

omit, insert—

section 276C(2)(b) or (c)

36 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 156, line 32, ‘or (b)’—

omit, insert—

, (b) or (ba)

37 Clause 126 (Replacement of pt 8, div 2A (Age related transfers to corrective services facilities))

Page 157, line 35, ‘or (b)’—

omit, insert—

, (b) or (ba)

38 Clause 127 (Insertion of new s 279B)

Page 171, lines 24 and 25—

omit, insert—

(f) the human rights commissioner; or

39 After clause 130

Page 173, after line 26—

insert—

130A Amendment of s 301S (Particular entities to be notified about declaration)

Section 301S(2)(g)—

omit, insert—

(g) the human rights commissioner;

40 Clause 133 (Amendment of sch 4 (Dictionary))

Page 177, after line 28—

insert—

human rights commissioner means the Human

Rights Commissioner under the
Anti-Discrimination Act 1991.

41 After clause 133

Page 178, after line 4—

insert—

Part 4A Miscellaneous

**Division 1 Amendment of Maritime
Safety Queensland Act
2002**

133A Act amended

This division amends the *Maritime Safety
Queensland Act 2002*.

**133B Amendment of s 10 (Appointment of general
manager)**

Section 10(2), after ‘employed’—

insert—

as a senior executive

133C Insertion of new s 11B

After section 11A—

insert—

11B Acting general manager

- (1) 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, can not perform the duties of the office.
- (2) The person may be appointed to act in the office for a term of not more than 6 months.
- (3) 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.
- (4) 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.
- (5) This section does not otherwise limit or affect the application of the *Acts Interpretation Act 1954*, section 24B or 25 for the appointment.

42 After clause 133

Page 178, after line 4—

insert—

133D Amendment of pt 5, hdg (Transitional provisions)

Part 5, heading, after ‘Transitional’—

insert—

and validation

133E Insertion of new pt 5, div 4

Part 5—

insert—

**Division 4 Validation provision for
Queensland
Community Safety Act
2024**

**22 Particular appointments to office of
general manager**

- (1) This section applies in relation to a person who, at any time before 24 April 2024—
- (a) was purportedly employed as general manager without having been appointed to the office of general manager under this Act; or
 - (b) was purportedly employed to act in the office of general manager without having been appointed to act in the office of general manager under this Act.
- (2) It is declared 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 this Act for the period the person was purportedly employed as mentioned in subsection (1); 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 this 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 this 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 this Act when the decision was made or other thing done.

(3) In this section—

done includes purportedly done.

exercise or performance includes purported exercise or performance.

made includes purportedly made.

relevant exercise of power means an exercise or performance, before 24 April 2024, of a power or function conferred on, or delegated or subdelegated to, the general manager or MSQ, including the making of a decision, under this Act or another Act.

Examples of other Acts—

- the *Transport Infrastructure Act 1994*
- the *Transport Operations (Marine Pollution) Act 1995*

- the *Transport Operations (Marine Safety) Act 1994*
- the domestic commercial vessel national law under the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*
- the *Transport Planning and Coordination Act 1994*

43 After clause 133

Page 178, after line 4—

insert—

**Division 2 Amendment of Police
Powers and
Responsibilities Act 2000**

133F Act amended

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

**133G Amendment of s 609A (Use of body-worn
cameras)**

Section 609A, ‘or protective services officer’—

omit, insert—

, protective services officer or watch-house
officer

44 After clause 133

Page 178, after line 4—

insert—

133H Amendment of s 149A (Definitions for chapter)

- (1) Section 149A, definition *specified person*, item (1), after ‘established,’—

insert—

or that is otherwise lawfully seized under this Act and removed from a place,

- (2) Section 149A, definition *specified person*, item (1), paragraph (a)—

omit, insert—

(a) a person reasonably suspected of having committed an offence in relation to which—

(i) the search warrant is or was issued; or

(ii) the crime scene is or was established; or

(iii) the device was otherwise lawfully seized under this Act and removed from the place.

45 After clause 133

Page 178, after line 4—

insert—

133I Amendment of s 549 (Meaning of *state building*)

- (1) Section 549(1)(a)(ii), ‘this definition; and’—

omit, insert—

this subparagraph; or

- (2) Section 549(1)(a)—

insert—

- (iii) a building, or part of a building, prescribed by regulation that is located in a local government area prescribed by regulation for the purpose of this subparagraph; and
- (3) Section 549(3), from ‘only if’—
- omit, insert—*
- only if—
- (a) for a building, or part of a building mentioned in subsection (1)(a)(ii)—the building or part of the building is to be used for an activity with which the State is directly concerned; or
 - (b) for a building, or part of a building mentioned in subsection (1)(a)(iii)—the building or part of the building is to be used for an activity with which the local government that governs the local government area is directly concerned.

46 After clause 133

Page 178, after line 4—

insert—

133J Insertion of new ch 24, pt 27

Chapter 24—

insert—

Part 27

**Validation provision
for Queensland
Community Safety
Act 2024**

900 Validation of orders made under s 154A

- (1) This section applies in relation to an order made under section 154A before the commencement.
- (2) 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.

133K Amendment of sch 6 (Dictionary)

Schedule 6, definition *specified person*, after ‘established,’—

insert—

or that is otherwise lawfully seized under this Act and removed from a place,

47 Schedule 1 (Other amendments)

Page 179, after line 3—

insert—

1AA Section 552A(1)(b)(iii), ‘335(2)(a)’—

omit, insert—

335(3)(a)

1AB Section 552BA(4), definition *relevant offence*, paragraph (aa), ‘335(2)(a)’—

omit, insert—

335(3)(a)

48 Schedule 1 (Other amendments)

Page 180, after line 6—

insert—

Fire Services Act 1990

1 Section 137(3), ‘subsection (3)’—

omit, insert—

subsection (2)

2 Section 141(2), ‘section 138(2)’—

omit, insert—

section 139(2)

49 Long title

Long title, after ‘the *Explosives Act 1999*,’—

insert—

the *Family Responsibilities Commission Act 2008*,

50 Long title

Long title, after ‘the *Judicial Review Act 1991*,’—

insert—

the *Maritime Safety Queensland Act 2002*,

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