

## Queensland Community Safety Bill 2024

**Submission No:** 83  
**Submitted by:** Hayden Spence  
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**Submitter Comments:**

14/5/2024

Dear Honourable Members/Committee,

Subject: Submission of Concerns Regarding the Queensland Community Safety Act 2024

I hope this letter finds you well. My name is Hayden Spence, and I am writing to you today to express my deep concerns regarding certain aspects of the Queensland Community Safety Act 2024.

As a resident of Queensland and a proponent of personal freedoms and liberties, I believe it is crucial to carefully scrutinise legislation that may have implications for individual rights. Upon reviewing the bill, I have identified several provisions that I find troubling due to their potential infringement on the rights and liberties of the people of Queensland.

Below, I have outlined my specific concerns regarding the relevant sections of the bill:

## **A. Comments From Part 2, Division 1:**

### **1. Expansion of Surveillance Powers:**

The proposed amendments in Division 1 of Part 2 raise significant concerns about the expansion of surveillance powers granted to law enforcement agencies. By extending the jurisdiction of the Police Powers and Responsibilities Act 2000 to apply both within and outside Queensland, with the extraterritorial application of Chapter 21A, the legislation grants broad authority to authorised officers, including police officers, to issue removal notices for online content. While the intention may be to combat online criminal activity, the vague criteria for determining what constitutes "unlawful conduct" and the purpose of material posted online, coupled with the absence of clear safeguards against potential abuse of power, pose serious risks to individual privacy and freedom of expression.

### **2. Regulation of Online Content (Section 745D):**

The provisions outlined in Section 745D of the proposed legislation empower authorised officers to issue removal notices to online service providers, compelling them to remove material deemed to depict certain prescribed offences, such as offences involving driving or operating a vehicle, violence, property-related offences, or offences involving weapons. While the aim of curbing the dissemination of harmful content is commendable, the broad scope of the offences covered and the discretionary power vested in authorised officers to determine the intent behind the posting of such material raise concerns about potential censorship and the stifling of legitimate discourse. Furthermore, the imposition of civil penalties on online service providers for non-compliance with removal notices may incentivise overzealous enforcement and undermine the principle of proportionality in law enforcement measures.

### **3. Restrictions on Freedom of Expression (Section 26B):**

The insertion of Section 26B into the Summary Offences Act 2005 introduces additional restrictions on freedom of expression by criminalising the publication of material on social media platforms or online social networks depicting prescribed offences. While exceptions are provided for journalistic activities, the broad definition of "prescribed offences" and the absence of clear guidance on what constitutes a "reasonable excuse" for publication raise concerns about the potential chilling effect on public discourse and investigative journalism.

Moreover, while the proposed law prohibits the conviction of an individual for both the publication offence and the underlying prescribed offence, the potential for simultaneous prosecution on separate legal fronts may still present risks of disproportionate penalties and undermine principles of legal certainty and proportionality.

## **B. Comments From Part 2, Division 2:**

### **1. Definition of Emergency Vehicle (Section 6A):**

The amendment to the Criminal Code introduces a comprehensive definition of "emergency vehicle" in Section 6A, encompassing vehicles used by various emergency workers in the performance of their duties. While the clarification of what constitutes an emergency vehicle is crucial for legal clarity and enforcement purposes, the provision imposes strict liability on individuals involved in offences related to emergency vehicles, shifting the burden of proof onto the accused to demonstrate their lack of knowledge regarding the vehicle's status. This may lead to situations where individuals are unfairly penalised for offences committed unknowingly or inadvertently, without malicious intent.

### **2. Criminalisation of Online Advertising of Offences:**

Sections 69, 328A, 335, 339, 408A, 419, 427, and 469 of the Criminal Code are amended to include provisions penalising the publication of material on social media platforms or online social networks for the purpose of advertising one's involvement in or glorifying certain offences, such as dangerous operation of a vehicle, assaults, burglary, and wilful damage. While the intention behind these amendments may be to deter individuals from publicising criminal activities and to prevent the glorification of unlawful conduct, the broad definition of "advertise" and the inclusion of electronic documents as material raise concerns about the potential infringement on freedom of expression and the imposition of disproportionate penalties for online speech. Moreover, the absence of clear guidelines on what constitutes a "reasonable excuse" for publication may lead to arbitrary enforcement and chilling effects on legitimate online discourse.

### **3. Increased Penalties for Offences Involving Emergency Vehicles:**

New provisions in Sections 328C and 328D of the Criminal Code introduce severe penalties for offences involving emergency vehicles, such as damaging an emergency vehicle while operating a motor vehicle or endangering a police officer by driving a motor vehicle towards or near them. While safeguarding the safety of emergency workers and law enforcement officers is paramount, the imposition of lengthy imprisonment terms of up to 14 years raises questions about the proportionality of the penalties and the potential for exacerbating existing issues of over-incarceration and disproportionate punishment, particularly for offences committed unintentionally or under duress.

## **C. Comments From Part 2, Division 3:**

### **1. Expansion of Police Powers without Adequate Safeguards:**

The amendment to the Police Powers and Responsibilities Act 2000, particularly in sections 30 and 39C, grants senior police officers broad authority to authorise the use of handheld scanners in various public places without the need for a warrant. This expansion of police powers raises concerns about potential overreach and the erosion of civil liberties, as it allows for suspicion-less searches of individuals.

- 2. Increased Surveillance in Public Spaces (Sections 39FA, 39FB):**  
Section 39FA and 39FB introduce provisions for the authorised use of handheld scanners without a warrant in public spaces such as rail lines, licensed premises, retail premises, shopping centres, and sporting or entertainment venues. This raises significant privacy concerns as individuals can be subjected to searches without any specific suspicion of wrongdoing, leading to a chilling effect on freedom of movement and expression.
- 3. Lack of Transparency and Accountability (Section 39FC):**  
The Act fails to provide adequate mechanisms for oversight and accountability regarding the use of handheld scanners. The requirement to notify managers or occupiers of premises under section 39FC is impractical in many cases and does not guarantee meaningful transparency. Without robust safeguards, there is a risk of misuse or abuse of scanning powers by law enforcement authorities.
- 4. Disproportionate Penalties for Knife Possession:**  
Amendments to the Weapons Act 1990 introduce harsh penalties for the possession of knives in public places, including imprisonment and hefty fines. While addressing knife-related crimes is important, imposing severe penalties without considering individual circumstances or rehabilitation measures may disproportionately impact vulnerable communities and individuals, exacerbating existing social inequalities.
- 5. Potential for Discriminatory Practices:**  
The broad scope of the Act's provisions, coupled with the discretionary powers granted to law enforcement, raises concerns about the potential for discriminatory practices. There is a risk that certain communities, particularly marginalised or minority groups, may be disproportionately targeted or subjected to increased surveillance, leading to further marginalisation and distrust in law enforcement agencies.
- 6. Impact on Freedom of Expression and Association:**  
The Act's provisions regarding the publication of material related to knife offences on social media platforms introduce restrictive measures that could infringe upon freedom of expression. The vague definition of "advertise" and the broad interpretation of what constitutes "material" may have a chilling effect on individuals' ability to engage in legitimate discourse or advocacy on social issues.
- 7. Inadequate Sunset Clause:**  
While the Act includes an expiry date for certain provisions, the timeline for review and renewal (30 October 2026) may not allow for sufficient evaluation of its impact on personal freedoms and civil liberties. A more rigorous review process with stakeholder consultation is essential to ensure that any infringements on rights are justified and proportionate to the stated objectives of the legislation.

## **D. Comments From Part 2, Division 4, Subdivision 1, 2 & 3:**

- 1. Restrictive Sale of Small Arms Ammunition (Section 43A):**  
The requirement to check licenses or authorities before selling small arms ammunition, as outlined under Section 43A, imposes undue burdens on both sellers and buyers. This provision restricts the freedom of individuals to purchase ammunition for lawful purposes without prior authorisation, thereby potentially hindering their ability to exercise their rights

under the Weapons Act 1990.

**2. Lack of Transparency in Decision-making:**

The amendments to the Judicial Review Act 1991, particularly in Schedule 2, Section 5A, raise concerns regarding the lack of transparency in decisions made under the Weapons Act 1990. By allowing decisions to be based on criminal intelligence or non-publicly available information, individuals may be subject to restrictions on their rights without sufficient justification or recourse. This undermines principles of fairness and due process, posing a threat to individual liberties.

**3. Expanded Police Powers Without Sufficient Oversight:**

Subdivision 3 of Division 4 introduces amendments to the Police Powers and Responsibilities Act 2000, granting expanded powers to law enforcement agencies, notably regarding firearm prohibition orders. While ensuring public safety is paramount, these amendments, particularly in Sections 740 and 742, lack adequate safeguards to prevent potential abuse of authority. The broad discretion given to authorities without robust oversight mechanisms raises concerns about the potential for infringements on individual freedoms and civil liberties.

**4. Increased Surveillance and Monitoring (Sections 742(4), 743):**

Amendments to Section 742(4) and Section 743 of the Police Powers and Responsibilities Act 2000 introduce provisions for gathering statistical information and monitoring compliance with firearm prohibition orders. While purportedly aimed at enhancing public safety, these measures expand the scope of surveillance by law enforcement agencies, potentially infringing on individuals' right to privacy. The extensive reporting requirements outlined in Section 743 further raise concerns about the intrusive nature of these regulations and their implications for civil liberties.

**5. Overreach in Regulation-making Power (Section 809(2)(a)):**

Section 809(2)(a) grants expansive regulation-making power, extending to "other persons involved in the administration of this Act." This broad language lacks clarity and opens the door to excessive regulatory measures that may unduly restrict individual freedoms and rights. Without clear delineation of the scope and limits of this power, there is a risk of regulatory overreach and disproportionate enforcement, undermining the principles of democratic governance and individual autonomy.

**6. Erosion of Legislative Protections:**

The amendments to Schedule 1 and Schedule 6 of the Police Powers and Responsibilities Act 2000, particularly regarding the exclusion of the Weapons Act 1990, part 5A from Acts not affected by this Act, raise concerns about the erosion of legislative protections. By exempting certain provisions from scrutiny and oversight, these amendments diminish accountability and transparency in the implementation and enforcement of firearms regulations. This undermines the foundational principles of a democratic society and poses a threat to individual liberties and rights.

**E. Comments From Part 2, Division 4, Subdivision 4 (#53 - #72):**

**1. Expansion of Classifications:**

The proposed amendments to the Weapons Act 1990 introduce an extensive classification system for serious offences, categorising them into classes A, B, and C. This classification

includes offences not only under Queensland laws but also those committed in other jurisdictions. Such broad categorisation raises concerns about potential overreach and disproportionate penalties, particularly for individuals who may be inadvertently caught under these classifications due to variations in legal frameworks across jurisdictions.

**2. Subjectivity in Determining Fitness and Propriety (Sections 10B, 10C):**

The amendments impose stringent criteria for determining the fitness and propriety of individuals to hold or continue to hold weapons licenses. Factors such as past convictions, even if spent, and association with disqualified persons significantly impact an individual's eligibility. However, the subjective nature of these determinations, particularly regarding what constitutes a "fit and proper person," raises questions about fairness and transparency in the licensing process. Moreover, the inclusion of domestic violence orders without clear guidelines for assessment further complicates this issue.

**3. Burden on Licensees and Associates:**

The proposed changes place a significant burden on licensees and their associates, requiring them to continuously meet evolving criteria for fitness and propriety. The inclusion of supervisory orders and temporary protection orders in the assessment process adds layers of complexity and uncertainty, potentially discouraging individuals from engaging in lawful activities involving weapons. This burden not only affects individuals' rights but also impedes legitimate businesses, such as licensed dealers, from operating effectively due to heightened scrutiny and compliance requirements.

**4. Inadequate Safeguards and Appeals Mechanisms:**

While the amendments outline grounds for disqualification and suspension of licenses, there appears to be a lack of robust safeguards and appeals mechanisms for affected individuals. The reliance on subjective assessments by authorised officers, without clear guidelines or avenues for redress, raises concerns about procedural fairness and the potential for arbitrary decision-making. Additionally, the limited scope of review, particularly regarding revoked or suspended licenses, undermines individuals' rights to challenge adverse decisions and seek recourse against unjust penalties.

**5. Implications for Personal Freedoms and Privacy:**

The proposed amendments introduce measures that intrude upon individuals' personal freedoms and privacy rights. The inclusion of provisions relating to changes in mental or physical fitness and criminal history disclosure extends state intervention into private matters, potentially stigmatising individuals based on past actions or circumstances beyond their control. Furthermore, the broad scope of disqualification criteria, including association with disqualified persons and domestic violence orders, raises concerns about the disproportionate impact on marginalised communities and individuals facing systemic barriers to justice.

**F. Comments From Part 2, Division 4, Subdivision 4 (#73):**

**1. Potential Overreach in Prohibition Orders:**

The insertion of Part 5A in the Weapons Act 1990 introduces firearm prohibition orders aimed at promoting public safety and deterring firearm-related crime. While the intention to enhance community safety is commendable, concerns arise regarding the broad discretion granted to authorities in making these orders. The Act allows for the making of firearm prohibition orders by both the commissioner and the court, raising apprehensions about

potential misuse or overreach of power.

**2. Lack of Clarity in Criteria (Section 141E):**

The criteria outlined for considering the making of firearm prohibition orders, particularly concerning adults under Section 141E, lack specificity and could lead to arbitrary decisions. Factors such as an individual's criminal history, association with recognised offenders, or expressions of intent to commit offences are subject to interpretation, potentially resulting in unjust restrictions on personal freedoms without sufficient evidence or due process.

**3. Impact on Juvenile Rights (Section 141F):**

The provisions regarding firearm prohibition orders concerning children, as outlined in Section 141F, raise particular concerns regarding the protection of juvenile rights and welfare. While considerations such as preserving family relationships and minimising adverse effects on reputation are mentioned, the Act fails to provide adequate measures to ensure that the best interests of the child are prioritised, potentially leading to disproportionate or unjust restrictions on their liberties.

**4. Automatic Revocation of Licenses and Permits (Section 141V):**

The automatic revocation of licenses, permits, and approvals upon the issuance of a firearm prohibition order raises concerns about due process and the right to a fair trial. This provision fails to provide individuals with an opportunity to contest the order before their firearms-related privileges are revoked, potentially resulting in unjust consequences.

**5. Mandatory Surrender of Authorities and Firearms (Section 141W):**

Requiring individuals to immediately surrender their firearms to police officers upon the issuance of a firearm prohibition order without any avenue for appeal or review is troubling. This lack of flexibility in the surrender process could disproportionately affect individuals who may be wrongfully accused or unable to comply within the specified time frame.

**6. Limited Time frame for Surrender (Section 141W):**

The directive for individuals to surrender firearms and related items within a short time frame, typically 24 hours, fails to consider practical challenges such as the location of firearms. This rigid timeline may result in non-compliance through no fault of the individual and could lead to harsh penalties for minor infractions.

**7. Criminalisation of Possession (Section 141Y):**

Prohibiting individuals subject to firearm prohibition orders from acquiring, possessing, or using firearms or firearm-related items under threat of significant penalties undermines the presumption of innocence and imposes severe restrictions on personal freedoms. This blanket prohibition lacks nuance and fails to differentiate between individuals who pose genuine risks and those who do not.

**8. Disproportionate Penalties (Section 141Y):**

The severity of penalties, including imprisonment and substantial fines, for violations of firearm prohibition orders may not be proportionate to the offence committed. Such punitive measures could disproportionately impact marginalised communities and individuals with limited resources, exacerbating existing inequalities within the justice system.

**9. Broad Powers of Search and Seizure (Sections 141ZE, 141ZF, 141ZG, 141ZH):**

Granting police officers expansive powers to conduct warrant-less searches on individuals

subject to firearm prohibition orders raises concerns about privacy rights and civil liberties. These broad powers could lead to intrusive and unwarranted intrusions into individuals' lives without sufficient justification or oversight.

**10. Potential for Abuse of Power:**

The lack of stringent safeguards and oversight mechanisms in exercising powers related to firearm prohibition orders increases the risk of abuse by law enforcement authorities. Without proper checks and balances, there is a heightened potential for arbitrary enforcement and violations of individuals' rights.

**11. Restrictions on Movement and Association (Section 141ZA):**

Prohibiting individuals subject to firearm prohibition orders from attending certain premises, events, or meetings imposes significant restrictions on their freedom of movement and association. These restrictions may impede individuals' ability to engage in lawful activities and participate in community life, further stigmatising and isolating them.

**12. Lack of Timely Review (Section 141ZI):**

The provisions outlined in Section 141ZI impose a requirement for annual reviews of firearm prohibition orders concerning children. However, the timeline provided for these reviews may not adequately consider the evolving circumstances of the child in question. Requiring a review only after the order has been in effect for more than a year could lead to situations where a child's progress or rehabilitation is not promptly recognised or addressed.

**13. Limited Consideration of Individual Circumstances:**

While Section 141ZK mandates the inclusion of relevant information about the child in the review application, the criteria for assessing whether the firearm prohibition order should remain in effect seem primarily focused on the risk the child poses to public safety or security. This emphasis may overlook crucial factors such as the child's personal development, rehabilitation efforts, or mitigating circumstances surrounding the initial imposition of the order.

**14. Restrictions on Response Time (Section 141ZL):**

Section 141ZL grants children a mere 14 days to respond to the review application, potentially placing undue pressure on them to compile a comprehensive response within a limited time frame. This constraint could hinder their ability to present compelling arguments or evidence in support of revoking the firearm prohibition order, undermining the fairness and effectiveness of the review process.

**15. Limited Judicial Discretion (Section 141ZM):**

Section 141ZM outlines the parameters within which the court must conduct the review of the firearm prohibition order. By stipulating that the order may only be revoked if the child's circumstances have changed since its imposition, the legislation restricts judicial discretion and fails to account for cases where the initial imposition of the order may have been unjust or disproportionate.

**16. Appeal Process Concerns (Sections 141ZO, 141ZP):**

While Division 6 provides avenues for appeal against decisions regarding firearm prohibition orders, the procedural requirements and timelines outlined in Sections 141ZO and 141ZP may present practical barriers for individuals seeking to challenge these orders. The stringent time frames for filing appeals and serving notices may disproportionately



disadvantage individuals, particularly those without access to legal representation or resources.

**17. Confidentiality and Transparency (Section 141ZT):**

Section 141ZT raises concerns regarding the confidentiality of criminal intelligence and its potential impact on transparency and accountability within the judicial process. While safeguarding sensitive information is essential, the provisions outlined in this section may unduly restrict the ability of affected parties, legal representatives, and the public to scrutinise the basis for firearm prohibition orders and related decisions.

**18. Data Collection and Monitoring (Section 141ZU):**

While Section 141ZU mandates the maintenance of a register concerning firearm prohibition orders, including details of individuals subject to these orders and associated actions by law enforcement, the breadth of information collected raises privacy and surveillance concerns. The potential for misuse or misinterpretation of this data underscores the need for robust safeguards to protect individuals' rights and prevent discriminatory practices based on firearm prohibition status.

**19. Delegation of Powers (Section 141ZV):**

Section 141ZV grants the commissioner authority to delegate powers under Section 141G to police officers of a specific rank. While delegation can enhance administrative efficiency, limiting this authority to select personnel without adequate oversight mechanisms may raise concerns regarding accountability and the potential for abuse or arbitrary decision-making in the imposition of firearm prohibition orders.

**20. Lack of Rehabilitation and Support:**

The emphasis on punitive measures without adequate provisions for rehabilitation and support services fails to address the underlying factors contributing to firearm-related offences. Investing in preventative measures and support programs could be more effective in addressing the root causes of violence and promoting long-term public safety.

**21. Inadequate Safeguards for Civil Liberties:**

While the Act emphasises public safety as its primary objective, there is a notable absence of robust safeguards to protect individual civil liberties. The broad discretion afforded to authorities in determining the necessity of firearm prohibition orders, raises concerns about the potential infringement on fundamental rights, including the presumption of innocence.

**22. Risk of Over-Policing and Discriminatory Practices:**

The Act's provisions granting authorities the power to make firearm prohibition orders based on subjective assessments of an individual's behaviour or associations raise concerns about the risk of over-policing and discriminatory practices. Without clear guidelines or safeguards to prevent bias or abuse of authority, marginalised communities or individuals may be disproportionately targeted or unfairly impacted by these measures.

**23. Insufficient Procedural Safeguards:**

The procedural safeguards outlined in the Act, such as requirements for notification and response to firearm prohibition orders, may be insufficient to ensure procedural fairness and protect individuals' rights. The Act lacks clarity on mechanisms for independent review or oversight, potentially leaving individuals vulnerable to arbitrary decisions or procedural

errors without adequate recourse.

#### **24. Potential for Targeting Vulnerable Communities:**

The broad scope and discretionary nature of firearm prohibition orders raise concerns about their potential impact on vulnerable communities, including Indigenous peoples and minority groups. Without adequate safeguards against discrimination and bias, these orders may disproportionately target already marginalised populations, exacerbating existing disparities in the criminal justice system.

### **G. Comments From Part 2, Division 4, Subdivision 4 (#74 - #79):**

#### **1. Expansion of Ministerial Powers without Sufficient Oversight (Section 168E):**

The insertion of Section 168E mandates independent reviews of Part 5A, Division 4, of the Act, focusing on its operation and effectiveness. While periodic reviews are essential for assessing the impact of legislation, the discretionary power granted to the Minister for arranging these reviews lacks adequate checks and balances. Concerns arise regarding the potential for subjective interpretations and biases influencing the review process, potentially undermining accountability and transparency within firearm prohibition orders.

#### **2. Lack of Clarity and Transparency in Transitional Provisions:**

The introduction of Division 9 in Part 8, outlining transitional provisions for the Queensland Community Safety Act 2024, raises concerns regarding the clarity and transparency of the transition process. Ambiguities exist in defining the scope and applicability of existing applications and reviews of decisions, potentially leading to inconsistencies and injustices in the treatment of individuals under the amended legislation. Without clear guidelines and procedures, there is a risk of arbitrary decision-making and infringement upon individuals' rights during the transition period.

#### **3. Broadened Definition of Serious Offences:**

The inclusion of Schedule 1AA, detailing Class B serious offences, underlines the expansion of the legal framework to encompass a wide range of offences. While some offences listed undoubtedly pose significant threats to public safety, such as acts of violence, trafficking, and serious crimes against persons and property, others may not inherently present the same level of danger to society. For example, offences related to non-violent drug possession or minor property crimes may not necessarily pose direct threats to public safety in the same manner as violent crimes or offences involving weapons.

Expanding the definition of serious offences to include a diverse range of behaviours without clear distinctions based on severity or potential harm may lead to disproportionate penalties and enforcement measures. This broad categorisation raises concerns about the equitable treatment of individuals within the legal system, as behaviours that do not pose significant risks to public safety may be subject to harsh penalties and criminalisation.

Without nuanced considerations for the context and circumstances surrounding each offence, there is a risk of undermining principles of proportionality and fairness in the administration of justice. Additionally, the broadening of definitions without clear delineation of criteria for classification may result in unjust consequences, perpetuating inequalities and disparities within the criminal justice system.

#### **4. Implications for Personal Freedoms and Privacy:**

The amendments to the Dictionary in Schedule 2 introduce definitions that significantly impact personal freedoms and privacy rights. The inclusion of terms such as "disqualified person" and "firearm prohibition order" expands the scope of state intervention into individuals' lives, potentially infringing upon their rights without adequate safeguards against misuse or abuse of power. Moreover, the broad definition of "firearm" raises concerns about the classification of items that may not inherently pose a threat, leading to potential overreach in surveillance and enforcement measures. These expansions in definitions without sufficient safeguards may erode trust in governmental institutions and undermine citizens' confidence in the rule of law.

### **H. Comments From Part 3, Division 1:**

#### **1. Expansion of Correctional Facilities' Authority (Sections 348A, 348B):**

The amendment grants the chief executive the authority to approve corrective services facilities for the service of documents, allowing for personal service of documents by the chief executive on prisoners in certain circumstances. This expansion of authority could lead to potential abuse of power and privacy violations for individuals incarcerated in Queensland, as it enables corrections officials to directly intervene in legal matters without proper oversight or accountability mechanisms.

#### **2. Electronic Service of Documents (Sections 789C-789L):**

While the Act introduces provisions for electronic service of documents by police officers, concerns arise regarding the potential for oversight and consent issues. The Act allows police officers to serve prescribed documents electronically, provided the recipient has consented. However, there are no clear safeguards to ensure that consent is informed and freely given, especially considering that individuals with impaired capacity or under 16 years of age are excluded. Moreover, the Act fails to specify robust mechanisms for withdrawal of consent or recourse in case of misuse of electronic communication, raising concerns about privacy and due process rights.

#### **3. Lack of Safeguards for Vulnerable Individuals (Sections 789E, 789J):**

The Act fails to adequately protect the rights of vulnerable individuals, such as children under 16 years and persons with impaired capacity. Despite prohibiting electronic service of documents to these individuals, the Act lacks explicit provisions to ensure alternative methods of service are accessible and equitable. This oversight raises concerns about the potential exclusion of vulnerable populations from essential legal notifications and proceedings, exacerbating inequalities within the justice system.

#### **4. Reliance on Electronic Signatures (Sections 789M, 789N):**

By permitting police officers to electronically sign documents, the Act introduces risks of identity theft, fraudulent documentation, and legal disputes. While the Act outlines requirements for approving electronic signature methods, it overlooks the inherent vulnerabilities associated with digital signatures, such as unauthorised access to electronic devices and manipulation of electronic records. This reliance on electronic signatures without robust authentication measures compromises the integrity and authenticity of legal documentation, undermining public trust in the justice system.

#### **5. Delegation of Ministerial Powers (Section 804):**

The Act grants the Minister the authority to delegate powers related to compensation to the

commissioner, raising concerns about accountability and oversight. By delegating ministerial powers to a single individual, the Act concentrates decision-making authority and diminishes transparency in the compensation process. This delegation of powers lacks sufficient checks and balances, potentially leading to arbitrary decision-making and inadequate redress for victims of misconduct or negligence.

## **I. Comments From Part 3, Division 2:**

### **1. Expansion of Offences (Section 19C):**

The amendment to Section 19C of the Summary Offences Act 2005 introduces overly broad provisions criminalising participation in hooning activities, including spectating or even photographing such events. The inclusion of spectators without reasonable excuse raises concerns about the infringement on individual liberties, potentially penalising innocent bystanders or journalists performing their duties (Section 91).

### **2. Disproportionate Penalties:**

The increased penalties for driving offences, such as those outlined in #93, seem disproportionately harsh. For instance, the extension of disqualification periods to up to five years for driving without a license could severely impact individuals' ability to earn a livelihood and access essential services, without proper consideration for mitigating circumstances.

### **3. Infringement on Privacy (Section 79H, 79J):**

The insertion of new sections 79H to 79J establishes a system for the administrative disqualification of individuals for certain driving offences. While ostensibly aimed at improving road safety, this administrative process lacks adequate safeguards and may infringe on individuals' rights, particularly concerning the compulsory collection and storage of personal data and the potential for erroneous disqualifications without due process.

### **4. Mandatory Disqualification (Section 79I):**

The automatic disqualification of individuals under Section 79I without the option for judicial review or appeal undermines the principles of justice and fairness. The lack of discretion afforded to authorities and the absence of provisions for exceptional circumstances could lead to unjust outcomes, particularly for individuals facing extenuating circumstances or first-time offenders.

### **5. Cumulative Penalties:**

The cumulative effect of amendments to various sections, such as Sections 79 and 86, results in a system where individuals may face overlapping or consecutive penalties for related offences. This approach fails to consider the rehabilitative needs of offenders and may perpetuate cycles of punitive measures without addressing underlying issues or providing avenues for rehabilitation and reintegration.

### **6. Lack of Clarity:**

The multitude of amendments and technical language introduced in Division 2, coupled with the omission of Section 81 and amendments to related sections, creates confusion and ambiguity regarding the scope and application of the law. This lack of clarity could lead to inconsistencies in enforcement and undermine public confidence in the justice system.

**7. Omission of Safeguards:**

The removal of Section 81, which pertains to notices to offenders for certain first offences, raises concerns about the adequacy of procedural safeguards and rehabilitation measures for individuals entering the justice system for the first time. Without provisions for early intervention and diversionary programs, there is a risk of exacerbating recidivism rates and perpetuating cycles of offending.

**8. Definition Ambiguity:**

The introduction of new definitions, such as "administrative disqualification" and "administrative disqualification period," lacks clarity and may lead to interpretation challenges in legal proceedings. Without precise definitions and clear delineation of terms, there is a risk of inconsistent application and arbitrary decision-making by authorities, further undermining the rule of law and due process rights.

**J. Comments From Part 3, Division 3:**

**1. Narrowed Definition of Family Relationship (Section 19):**

The amendment to Section 19 of the Domestic and Family Violence Protection Act 2012 restricts the definition of an individual's relatives to specific terms such as "son," "daughter," "step-son," and "step-daughter." This narrow definition may overlook complex familial relationships and fail to adequately protect individuals who may be vulnerable to domestic violence within broader family structures, including extended or blended families.

**2. Police Investigation Powers (Section 100):**

Section 100 introduces a declaration affirming police officers' responsibilities to investigate instances of domestic violence, even if they are unable to take immediate action under certain circumstances. While this provision aims to strengthen responses to domestic violence, concerns arise regarding the potential for subjective judgements and the need for clear guidelines to prevent arbitrary or discriminatory investigations.

**3. Temporal Limitations on Protection Notices (Section 105):**

The amendment to Section 105 establishes strict timelines for the issuance of police protection notices, requiring the specified date to be within 14 business days or the next sitting date of the local Magistrates Court for the respondent. While intended to ensure timely intervention in cases of domestic violence, these timelines may not account for logistical challenges or the need for flexibility in responding to individual circumstances, potentially hindering effective protection measures.

**4. Appellate Court Powers (Section 169(3)):**

The introduction of Section 169(3) grants appellate courts the authority to make temporary protection orders during appeals or when setting aside decisions. While intended to provide interim relief in cases of domestic violence, concerns arise regarding the potential for inconsistency in the application of protection measures and the need for clear criteria to guide judicial discretion.

**5. Ambiguity in Definitions:**

The inclusion of "standard conditions" in the schedule introduces ambiguity regarding the specific requirements and parameters of domestic violence orders and police protection notices. Without clear delineation of standard conditions and their applicability, there is a risk of confusion among stakeholders and inconsistent implementation of protection

measures, undermining their effectiveness in ensuring victim safety and perpetrator accountability.

**6. Potential for Overreach:**

While aimed at enhancing responses to domestic violence, the cumulative effect of amendments may inadvertently lead to overreach or disproportionate enforcement, particularly concerning police powers and judicial discretion. Without robust safeguards and oversight mechanisms, there is a risk of infringing on individual rights and liberties, particularly concerning privacy and due process rights.

**7. Lack of Consultation:**

The absence of provisions for meaningful consultation with stakeholders, including domestic violence survivors, advocacy groups, and legal experts, raises concerns about the adequacy of legislative responses to complex social issues. Effective policy development requires input from diverse perspectives to ensure that laws are both responsive to community needs and consistent with principles of justice and human rights.

**8. Need for Comprehensive Support:**

While legislative measures are important for addressing domestic violence, there is a need for complementary efforts to enhance support services, prevention initiatives, and community education. Legislative amendments should be accompanied by investments in resources and infrastructure to provide holistic support to survivors and address the root causes of domestic violence, including systemic barriers to justice.

**K. Comments From Part 4, Division 1:**

**1. Exclusion of Public from Proceedings (Sections 112 & 20):**

The amendments proposed in Sections 112 and 20 of the Children's Court Act 1992 raise significant concerns regarding the exclusion of certain individuals from court proceedings. While the presence of victims and their representatives is understandable for the sake of justice, the broad discretion granted to the court to exclude individuals based on subjective factors such as "proper interest in the proceeding" and "primacy of the principle of open justice" could lead to arbitrary exclusions. Moreover, the inclusion of accredited media entities does not adequately address the public's right to access information and observe judicial processes, potentially undermining transparency and accountability.

**2. Lack of Safeguards for Defendants (Section 112(2A)):**

Section 112(2A) introduces considerations for the court when making exclusion orders, including the age and vulnerabilities of the child, the seriousness of the alleged offence, and cultural considerations. While these factors are relevant, there is a glaring absence of safeguards to ensure the fair treatment of the defendant. The emphasis on factors such as the age and vulnerabilities of the child could potentially prioritise the protection of the child at the expense of due process rights, leading to biased proceedings and unjust outcomes.

**3. Restrictions on Public Participation (Section 112(3A)):**

The provision in Section 112(3A) mandating the exclusion of certain individuals from proceedings under the Mental Health Act 2016 raises concerns about limiting public scrutiny and oversight. While there may be valid reasons for restricting access in cases involving mental health issues, such as protecting the privacy of the individuals involved, the lack of

clear criteria for determining when exclusion is justified leaves room for abuse of power and undermines the principles of transparency and accountability in the justice system.

## **L. Comments From Part 4, Division 2:**

### **1. Reference to Youth Justice Principles (Section #114):**

The amendment proposed in Section #114 of the Police Powers and Responsibilities Act 2000, referring to principle 18 of the youth justice principles in the Youth Justice Act 1992, raises questions about the intersection between police powers and the treatment of young offenders. While principles aimed at youth justice are important for promoting rehabilitation and reducing recidivism rates, incorporating them into laws governing police powers without clear guidelines for implementation could result in confusion and inconsistency in enforcement practices. There is a risk that police officers may prioritise youth welfare over procedural fairness and individual rights, leading to potential abuses of power and violations of civil liberties.

## **M. Comments From Part 4, Division 3 (#115 - #125):**

### **1. Expansion of Police Powers without Sufficient Safeguards (Section #116):**

Similar to the above comment [L1], the amendment to Section 13 regarding a police officer's power of arrest raises concerns about potential expansions of police authority without commensurate safeguards. The insertion of a reference to 'principle 18 of the youth justice principles' lacks specificity and could lead to ambiguity in the application of police powers, potentially infringing on the rights of young individuals.

### **2. Removal of Safeguards for Evidence Admissibility (Section 40):**

The outright omission of Section 40, which pertains to the admissibility of particular evidence, is troubling. Without clear guidelines on the admissibility of evidence, there is a risk of unjust convictions and violations of due process, undermining the fundamental principle of a fair trial.

### **3. Imposition of Monitoring Devices with Limited Justification (Section 52AA):**

The amendments to Section 52AA expand the circumstances under which a court may impose monitoring device conditions on children. By broadening the criteria to include previous charges, the amendment increases the potential for intrusive surveillance without adequate justification, encroaching upon the privacy rights of young individuals.

### **4. Concerns Regarding Temporary Custody (Section 56A):**

The introduction of Section 56A allowing temporary transfers of children on remand raises concerns about the potential misuse of authority and the lack of oversight in the custody process. The broad discretion granted to authorities, coupled with vague criteria for determining 'unforeseen circumstances,' leaves room for abuse and undermines accountability in the justice system.

### **5. Erosion of Rights Regarding Evidence (Sections 148A, 150):**

Sections 148A and the amendment to Section 150 introduce provisions that limit the admissibility of evidence obtained during youth justice programs and sentencing principles. While ostensibly aimed at protecting children's rights, these measures risk eroding accountability and transparency within the justice system, potentially undermining the

pursuit of justice and rehabilitation.

**6. Concerns Regarding Temporary Custody for Sentenced Children (Section 210A):**

Similar to the provisions for children on remand, Section 210A introduces the concept of temporary custody for sentenced children. The lack of clear criteria for determining the necessity of such transfers and the absence of safeguards against misuse raise significant concerns about the potential for arbitrary deprivation of liberty and violations of children's rights.

**7. Expansion of Surveillance Measures (Section 263A):**

The amendment to Section 263A expands the scope of recordings in detention centres and the use of body-worn cameras, introducing the Human Rights Commissioner as a permissible recipient of recordings. While ostensibly aimed at accountability, the broad discretion granted to authorities and the lack of clear limitations on surveillance raise concerns about privacy rights and the potential for abuse of power.

**N. Comments From Part 4, Division 3 (#126-#127):**

**1. Lack of Consideration for Individual Circumstances (Section 276C):**

The decision-making process outlined in Section 276C does not adequately consider the unique circumstances of detainees who may be subject to transfer to corrective services facilities. The criteria for deciding whether to give a prison transfer notice, temporarily delay it, or not give it at all lacks specificity and may result in arbitrary decisions that disregard the individual needs and vulnerabilities of detainees.

**2. Limited Rights of Detainees (Section 276F):**

While Section 276F outlines the circumstances under which a prison transfer notice must be given, it fails to sufficiently safeguard the rights of detainees. The provision allowing for the giving of a notice solely based on the chief executive's discretion, without clear criteria or oversight, could lead to unjust or premature transfers, infringing upon detainees' rights to due process and fair treatment.

**3. Insufficient Legal Representation (Section 276G):**

The requirement for the chief executive to facilitate a consultation between the detainee and a lawyer upon receiving a prison transfer notice (Section 276G) does not guarantee effective legal representation. The absence of provisions ensuring detainees have access to adequate legal counsel undermines their ability to challenge decisions regarding their transfer to corrective services facilities.

**4. Lack of Transparency and Accountability (Section 276N):**

Section 276N grants the chief executive the power to issue a new prison transfer notice based on a subjective assessment of significant changes in circumstances. This provision lacks transparency and accountability, as it allows for potential abuse of authority without clear guidelines or mechanisms for oversight, raising concerns about the fairness and integrity of the decision-making process.

**5. Disproportionate Restrictions on Rights (Section 276Y):**

The prohibition on detaining individuals over 18 years and 6 months in detention centres (Section 276Y) imposes disproportionate restrictions on their rights and freedoms. By mandating transfer to corrective services facilities without considering individual



circumstances, this provision may lead to harsher treatment and limited rehabilitation opportunities for young adults, contradicting principles of justice and rehabilitation.

**6. Restrictive Photography Provisions (Section 279B):**

Section 279B imposes severe penalties for photographing detainees or detention centre areas, limiting transparency and accountability within detention facilities. The broad exemptions provided for specific individuals or entities raise concerns about unequal access to information and potential abuses of power, undermining efforts to uphold human rights standards and prevent abuses in detention settings.

**O. Comments From Part 4, Division 3 (#128 - #133):**

**1. Expansion of Information Gathering Authority (Section 285):**

The amendment to Section 285 expands the scope of individuals permitted to gain information under the Act, notably including WHS entry permit holders operating in detention centres. This raises concerns regarding the potential for unchecked access to sensitive information by individuals not directly involved in law enforcement or oversight, posing risks to privacy and civil liberties.

**2. Broadened Application of Confidential Information (Sections 287, 289):**

Sections 287 and 289 introduce provisions extending the application of confidentiality rules to individuals providing counselling or support to victims of offences involving children. While protecting victim confidentiality is essential, the broad language used here may inadvertently restrict the ability of support personnel to access necessary information, potentially hindering effective assistance to victims.

**3. Transitional Provisions and Continued Application:**

The insertion of new transitional provisions (Part 11, Division 24) appears to prioritise continuity of the Act's enforcement over potential revisions or safeguards. While transitional measures are often necessary, the lack of clear delineation for reviewing or amending existing directives raises concerns about the permanence of certain provisions, potentially limiting future legislative flexibility in addressing evolving societal needs and rights.

**4. Amendment of Charter of Youth Justice Principles (Section #132):**

The amendment to the Charter of youth justice principles (Item 18A) introduces language suggesting a broader scope for detention of children, including instances where non-custodial measures might suffice. This shift towards a more punitive approach, without clear safeguards to ensure proportionality and individual rights, raises concerns about potential over-reliance on incarceration as a solution to juvenile justice issues.

**5. Redefined Definitions and Exclusion of Terms (Section #133):**

The amendments to Schedule 4 redefine terms such as "detainee" and exclude others like "prison transfer direction," potentially altering the legal framework surrounding detention and custody without clear justification or oversight. This lack of transparency regarding the rationale behind these changes raises questions about the adequacy of safeguards and the potential impact on individuals' rights within the justice system.

## **P. Comments From Part 5 & Schedule 1:**

### **1. Expansion of Police Powers without Adequate Safeguards:**

The amendments proposed in Part 5, particularly those affecting the Criminal Code and Police Powers and Responsibilities Act 2000, raise significant concerns about the potential expansion of police powers without commensurate safeguards for individual liberties. For instance, the alterations to Section 552BB of the Criminal Code, which involve renumbering and redefining offences, could lead to ambiguity and potentially broader interpretations of law enforcement authority, thereby risking unwarranted intrusions into personal freedoms.

### **2. Lack of Clarity in Legal Terminology:**

The amendments outlined in Schedule 1 introduce alterations to various sections of existing legislation, such as the Criminal Code and Police Powers and Responsibilities Act 2000, through the substitution of specific subsections and clauses. However, the complexity of these changes, including the rephrasing of legal provisions and the replacement of references, raises concerns about potential confusion in legal interpretation. This lack of clarity could undermine transparency and hinder citizens' ability to understand their rights and obligations under the law, ultimately eroding the foundations of a democratic society.

### **3. Unilateral Extension of Reporting Deadlines:**

Part 5 of the proposed Queensland Community Safety Act 2024 also includes amendments to reporting deadlines under the Police Powers and Responsibilities Act 2000 and the Public Safety Preservation Act 1986. By extending the reporting deadlines, particularly in sections 314(1) and 808A(1) of the Police Powers and Responsibilities Act 2000, without adequate justification or oversight mechanisms, there is a risk of diminishing accountability and transparency in law enforcement operations. This unilateral extension of deadlines could limit public scrutiny and hinder the effective oversight of police activities, thereby undermining democratic principles and citizens' rights to hold authorities accountable for their actions.

### **4. Delegation of Powers Without Clear Limitations:**

The insertion of Section 4.10 in the Public Safety Preservation Act 1986, directing attention to limitations on the delegation of powers under the Weapons Act 1990, raises concerns about the potential for unchecked delegation of authority without clear boundaries or safeguards. Without explicit limitations delineating the extent and scope of delegated powers, there is a risk of overreach and abuse by authorities, potentially infringing on individual liberties and constitutional rights. This lack of clarity regarding the delegation of powers undermines the principles of democratic governance and the rule of law, posing a threat to civil liberties and the protection of citizens' rights.

In conclusion, I urge you to carefully reconsider the provisions outlined above and ensure that the Queensland Community Safety Act 2024 upholds the fundamental rights and freedoms of all Queenslanders. It is imperative that any legislation enacted by our government strikes a balance between public safety and individual liberties.

Thank you for considering my concerns. I look forward to your response and further dialogue on this important matter.

Sincerely,  
Hayden Spence