

## Queensland Community Safety Bill 2024

**Submission No:** 127  
**Submitted by:** Shopping Centre Council of Australia  
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**Submitter Comments:**

## SUBMISSION COMMUNITY SAFETY BILL 2024

Thank you for the opportunity to provide a submission to the *Community Safety and Legal Affairs Committee* on the *Community Safety Bill*, tabled by Police Minister Ryan on 1 May 2024.

Our principal interest is in relation to Division 3 'Prevention of knife crime (Jack's Law)' of the Bill, namely:

- The extension of 'Jack's Law' (initially enacted under the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023*) to shopping centres (and retail premises), and
- The increase in the maximum penalty under the *Weapons Act 1990* for possessing a knife in a public place (or school).

For clarity, **we strongly support these proposed laws.**

**We respectfully urge the Committee to:**

- recommend that the Bill, and specifically Division 3, Subdivision 1 (Amendment of Police Powers and Responsibilities Act 2000) and Division 3, Subdivision 2 (Amendment of the Weapons Act 1990), is passed by the Parliament and with prompt effect, and
- in passing the Bill, **that the definition of 'shopping centre', at section 39A of the amendments to the Police Powers and Responsibilities Act 2000, should include a new sub-section (c) to expressly include shopping centre car park areas, including relevant vehicle entrance and exit areas.**

(We note that including car park areas in the definition of shopping centre would be consistent with current section 39B – *Meaning of public transport station* – of the Act which expressly includes car parks and set-down facilities).

We have discussed the extension of Jack's Law to shopping centres with the Government, and we put on record our appreciation for the Government's engagement with us, including through Minister Ryan's office and the Queensland Police Service (QPS).

A copy of our Media Release is attached, outlining our support when the Government announced the *Community Safety Plan* on 30 April 2024.

We have also been working on relevant issues in relation to retail crime and knife crime with our partners, the National Retail Association (NRA).

We also place on record our recognition and appreciation of the Jack Beasley Foundation and their incredible advocacy and interest in community safety.

For the Committee's background, we also submitted and appeared before the Committee on the *Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023* – to prohibit the sale of knives to juveniles - as tabled by Minister Ryan on 29 November 2023. We supported the passage of that Bill.

### POLICY POSITION: THE SHOPPING CENTRE INDUSTRY SUPPORTS JACK'S LAW

As a policy position, **we strongly support the extension of Jack's Law to shopping centres.**

Like others, we are deeply concerned about rising crime, and the concerning trend in relation to the possession and use of weapons including knives. We have seen incidences involving knives increase, along with finding knives in concealed locations within shopping centres.



*The knives - mostly being 'kitchen' style knives - pictured to the left were found recently in two separate concealed locations at one of our shopping centres.*

*The three knives on the right were found together underneath a rubbish bin. The knife on the left was found separately in a children's playground.*

*We welcome the proposed reforms under the Bill, including to increase the penalties for the possession of a knife in a public place (including shopping centres) and to enable Queensland Police to wand people in shopping centres.*

Noting the current application of Jack's Law to public transport stations, noting that this includes stations on or adjacent to shopping centres, the extension of Jack's Law would enable an efficient and seamless approach.

We understand that in applying Jack's Law to designated areas, QPS officers use a metal detecting wand to scan a person, which requires no physical contact by police, and the scan takes on average 1-2 minutes.

We note from QPS Media that in the first year of Jack's Law, more than 500 weapons were seized by Police, including the apprehension of 1,369 people on 2,469 charges in relation to weapon, drug, bail and other offences.

We note from one media report (Courier Mail, 9 March 2024: 'Qld's youth crime crisis: Kids as young as 10 are being found carrying knives in public'), that 'one in 40 people' have been caught carrying weapons 'outside the state's biggest retail precincts'.

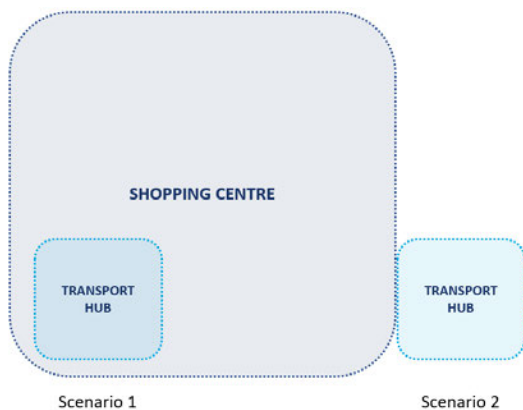
### CURRENT APPLICATION OF JACK'S LAW

For the Committee's clarity, the current application of Jack's Law to 'public transport stations' (as defined at section 39B - 'Meaning of Public Transport Station' - of the Act) sees the law apply to parts of our land – e.g. where we have public transport hubs on our land under an agreement (e.g. a license agreement) with transport authorities - or on public transport hubs adjacent to our land.

For example, this includes Westfield Carindale, Westfield Chermside and Westfield Mt Gravatt.

The proposed extension of Jack's Law to shopping centres will ensure that the whole of a shopping centre location – including where it is integrated with a public transport hub – would be captured by wandling laws.

The following provides an illustration of these two different scenarios – where a public transport station is on, or adjacent to, our land.



### COMMENTS / RECOMMENDATIONS

We make the following comments / recommendations for the Committee's consideration as part of their final report to improve the Bill and its implementation:

- That the Amendment Bill be passed, including the expansion of Jack's Law to shopping centres.
- We note that section 39C enables a senior police officer to authorise the use of a hand held scanner at 'relevant places', including 'a stated shopping centre'.
- We note the principal section 39FB – *Authorised use of hand held scanner without warrant at other places*, which would (if passed) enable a policy officer to, without warrant, require a person to stop and submit to the use of a hand held scanner, including 'in a public place at the relevant place'.
- We note that a 'relevant place' includes shopping centres, along with the new insertions of licensed premises, retail premises and sport or entertainment venues.

- We note that 'public place' is defined under the *Police Powers and Responsibilities Act 2000*, and includes (in general terms) places to which members of the public have access as of right, whether or not on payment of a fee and whether or not access to the place may be restricted at particularly times or for particular purposes.
  - Noting the above, we support the definition of 'shopping centres' at section 39A, which largely reflects the principles and definition of 'retail shopping centre' under section 5D of the *Retail Shop Leases Act 1994*.
  - **As noted earlier in this submission, we believe, that the definition of shopping centres should include a new sub-section (c) to expressly note that the definition of shopping centre includes our car park areas, including relevant entrance and exit areas. We have seen knife-incidents within our car parks, and are keen to ensure there is not gap in the coverage of the proposed law.**
  - Further, we note and support that the definition incorporates the notion of 'adjacent public area' – as newly defined at section 39A - to incorporate the following areas:
    - A public carpark adjacent to the premises, facility or other place, or
    - A public place adjacent to an entry or exit to the premises, facility or other place.
  - We note and support the definition of 'retail premises'.
  - We note section 39FC, which provides:
    - that a police officer 'must, if practicable, notify a manager or occupier of the relevant place, orally or in writing of the following:
      - that a hand held scanner authority is in effect for the place,
      - the time for which the authority has effect,
      - the power given to a police officer under section 39FB(2).A legislative note is inserted which provides: 'It may not be practicable to notify a manager or occupier or a large shopping centre if the centre management is closed'.
  - A failure to comply with the above does not affect the lawfulness of a requirement made under section 39FB(2) or any other thing done under this part.
- The combination of the above provisions will ensure that, in practice, Jack's Law will be able to apply to the public areas leading up to shopping centre entries and exits (noting shopping centres can have multiple entries and exits), within the shopping centre (e.g. common mall areas) and retail premises within our shopping centres. As noted above, we are keen to ensure that the Jack's Law applies to shopping centre car parks and related entrance and exit areas.

In relation to other aspects of the Bill:

- We note the extension of the trial expiry provision from 30 April 2025, to 30 October 2026. We understand this is to ensure an appropriate independent review can be undertaken of the Jack's Law framework as expanded by the Bill.
- We note clause 37 to amend section 808C - *Annual report to include information about authorisation of hand held scanner*, to include names of the relevant places – including stated shopping centres – for which the authorities were issued.

## CONTACTS

Thank you for the opportunity to provide a submission to the Committee.

We strongly support the Bill's passage, and recommend that the **definition of shopping centre expressly includes car parks**.

We look forward to working with the Government and the Queensland Police Service on the successful transition and implementation of the Bill, if passed by the Parliament.

We would welcome an opportunity to appear before the Committee, and provide any assistance we can, as needed.

**Angus Nardi, Chief Executive**

30 APRIL 2024

## MEDIA RELEASE

### SHOPPING CENTRE INDUSTRY WELCOMES QUEENSLAND COMMUNITY SAFETY PLAN

The Shopping Centre Council of Australia (SCCA) has welcomed the release of the Queensland Government's *Community Safety Plan* which includes expanding *Jack's Law* to enable wandering in shopping centres.

The SCCA has been working with the Queensland Government on community safety and security issues and looks forward to ongoing discussions with the Government to help deliver a safer community and reduce retail and youth crime.

**Angus Nardi, Chief Executive of the SCCA said,** "We welcome the Queensland Government's *Community Safety Plan*, including the proposal to expand Jack's Law to enable wandering in shopping centres and the acquisition of additional wands to enhance the capability of frontline members of the Queensland Police Service", Mr Nardi said.

"Our top priority is ensuring the community's safety within shopping centres."

"Dangerous weapons such as knives have increasingly been found in concealed locations at shopping centres, alongside the increased use of knives in incidences."

"We commend Police Minister Mark Ryan, the Queensland Police Service and Government for their engagement with our industry, and we will continue to work constructively to help ensure community safety and reduce retail and youth crime," Mr Nardi said.