

Queensland Community Safety Bill 2024

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After reviewing the Queensland Community Safety Bill 2024 (QSC24), alongside the Queensland Human Rights Act 2019, and the recent judgment summary from *Johnston & Ors v Commissioner of Police* [2024] QSC 2, here's a consolidated analysis highlighting potential conflicts with the Human Rights Act 2019:

Potential Conflicts with the Queensland Human Rights Act 2019:

1. Right to Privacy and Freedom from Arbitrary Interference (Sections 25, 13 of the Human Rights Act)
 - The Community Safety Bill's expansion of warrantless searches could infringe on privacy rights as outlined in section 25 of the Human Rights Act. These searches may not always be justifiable as "reasonable" under section 13, which requires any limitation of rights to be demonstrably justified in a free and democratic society.
1. Freedom of Expression (Section 21 of the Human Rights Act)
 - The Bill allows police to order the removal of certain online content, which could suppress freedom of expression. This is particularly contentious given the broad terms used to define what content can be removed, potentially leading to overreach, and impacting legitimate expression protected under section 21.
1. Rights to Fair Hearing and Due Process (Section 31 of the Human Rights Act) - Firearms Prohibition Orders issued under the Bill, based on the actions of family members or associations, challenge the principles of fair hearing and due process. This could be seen as a denial of the individual legal process rights as they are affected by the actions of others, not by their own actions.
2. Proportionality and Necessity
 - The extensive powers granted to police under the Bill, such as the power to revoke firearms licenses and conduct searches, may exceed what is necessary for public safety, thus failing the proportionality test required by section 13 of the Human Rights Act.
1. Judicial Review and Human Rights Considerations
 - The judgment in *Johnston & Ors v Commissioner of Police* demonstrates the importance of public entities considering human rights in their decisions. The failure to do so led to the Commissioner's directions being declared unlawful. This underscores the need for the provisions in the Community Safety Bill to be closely examined for their compatibility with human rights.

Recommendations for Further Consultation Given the potential for significant infringements on civil liberties and human rights, it is recommended that:

- The consultation period for the Community Safety Bill be significantly extended to allow for detailed analysis and feedback from all stakeholders.
- An in-depth human rights impact assessment be conducted to ensure all provisions are compatible with the Queensland Human Rights Act 2019.
- Modifications to the Bill should be considered to ensure it does not unduly infringe upon the rights and freedoms, especially concerning privacy, expression, and procedural fairness.

This analysis provides a foundation for arguing the need for further consultation and careful review of the Community Safety Bill 2024 to ensure it aligns with the principles and protections afforded by the Queensland Human Rights Act 2019.