



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

Ms CP McMillan MP—Chair
Mr SA Bennett MP
Mr MC Berkman MP
Ms CL Lui MP (virtual)
Dr MA Robinson MP
Mr J Sullivan MP

Staff present:

Ms L Pretty—Committee Secretary
Ms R Mills—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE POLICE POWERS AND RESPONSIBILITIES (JACK’S LAW) AMENDMENT BILL 2022

TRANSCRIPT OF PROCEEDINGS

MONDAY, 30 JANUARY 2023

Brisbane

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The committee met at 10.01 am.

CHAIR: Good morning, everyone. Thank you for being here this morning. I declare open this public briefing for the committee’s consideration of the Police Powers and Responsibilities (Jack’s Law) Amendment Bill 2022. I would like to respectfully acknowledge the traditional custodians of the land on which we meet this morning, and I pay my respects to elders, past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people whose lands, winds and waters we all now share. I acknowledge the member for Cook who is on the line this morning who is the first Torres Strait Islander elected to the Parliament of Queensland in the history of Queensland.

On 30 November 2022, the Hon. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, introduced the bill into the Queensland parliament. On the same day, the bill was referred to the Community Support and Services Committee for detailed consideration. The purpose of today is to assist the committee with its examination and consideration of this bill.

My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. With me here today is Mr Stephen Bennett MP, member for Burnett and the deputy chair; Michael Berkman MP, member for Maiwar; Cynthia Lui MP, member for Cook, who is on the telephone; Dr Mark Robinson MP, member for Oodgeroo; and Jimmy Sullivan MP, member for Stafford, is substituting for Robert Skelton MP, member for Nicklin, who is unable to attend today.

The committee’s proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of this parliament. Proceedings are being recorded by Hansard and broadcast live on the parliament’s website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should know that it is possible you may be filmed or photographed during today’s sessions and your image may appear on the parliament’s web site or social media pages. I ask everyone present to turn mobile phones off or to silent mode. Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings under the standing orders, any person may be excluded from the briefing at my discretion as chair or by order of the committee. I also ask that any responses to questions taken on notice today are provided to the committee by 12 pm on Monday, 6 February. The program for today has been published on the committee’s web page and there are hard copies available from committee staff.

I acknowledge the member for Surfers Paradise who is here today, Mr John-Paul Langbroek MP. I also acknowledge Mr Sam O’Connor, member for Bonney, who is here today. I also acknowledge Mr and Mrs Beasley who are in the audience.

CARROLL, Mr Ian, Senior Sergeant, Legislation Branch, Policy and Performance Division, Queensland Police Service

WHEELER, Mr Mark, Acting Deputy Commissioner, Regional Queensland, Queensland Police Service

WILDMAN, Mr Rhys, Superintendent, Gold Coast District, South Eastern Police Region, Queensland Police Service

CHAIR: I now welcome representatives from the Queensland Police Service who have been invited to brief the committee. Good morning to each and every one of you. Thank you for being here today. I also thank you for your contributions to the legislation that we have before us. I invite you to make an opening statement after which the committee will have many questions.

Deputy Commissioner Wheeler: Thank you, Madam Chair, and good morning. Firstly, thank you for the opportunity to brief the committee in relation to the Police Powers and Responsibilities (Jack’s Law) Amendment Bill 2022. As Acting Deputy Commissioner for Regional Queensland, I am tasked with managing the implementation of these amendments, and I have a particular insight into Brisbane

the issue of knife crime as I was previously the chief superintendent district officer on the Gold Coast where handheld scanners are trialled in response to this issue. Superintendent Wildman and I also had the privilege of working an operational shift over the weekend with the frontline police. It was a very insightful event and we were able to engage with members of the community and also, very importantly, our operational police. That was on an 8 pm to 4 am shift. I have the two officers with me today to assist the committee in its understanding of the bill: as you have already heard, Superintendent Rhys Wildman who is the assistant district officer for the Gold Coast and also Senior Sergeant Ian Carroll who is the instructing officer from the QPS Legislation Branch.

I understand the committee has been provided with a departmental briefing for consideration. The written briefing complements the bill and its accompanying explanatory notes and statement of compatibility. I will focus my statements today on the operational aspects of the bill and the benefits those amendments bring to the community generally.

The purpose of the bill is to amend the Police Powers and Responsibilities Act 2000 to do the following: extend the expiry date for the use of handheld scanners to detect knives to 30 April 2025; and to expand the prescribed public areas where handheld scanners may be used to include all 15 safe night precincts and all public transport stations, including public transport vehicles, and to strengthen the criteria that a senior police officer must consider before approving the use of a handheld scanner device.

As you are aware, the bill has been named after 17-year-old Jack Beasley who was fatally stabbed outside a convenience store within the Surfers Paradise safe night precinct in 2019. I, too, acknowledge the attendance of Brett and Belinda Beasley and thank them for being here. Unfortunately in 2020, there was also another fatal stabbing in the Surfers Paradise safe night precinct with 27-year-old Raymond Harris allegedly being stabbed after an altercation with a group of young men in Cavill Avenue.

As part of a series of youth justice reforms, the parliament passed in 2021 amendments to the Police Powers and Responsibilities Act to enable police to use handheld scanners to scan for knives in the two Gold Coast safe night precincts of Surfers Paradise and Broadbeach. The current trial legislation expires on 30 April 2023. This trial has been subject to a 12-month review by Griffith University, as well as a review by Mr Bob Atkinson as part of an overall youth justice reform. The Queensland Police Service believes that the initial 12-month trial of wand in the two safe night precincts on the Gold Coast was a success in terms of the number and type of edged weapons that were located, and the effect that the subsequent seizures of these weapons have on deterring further crime.

From 30 April 2021 to 29 January 2023, I can advise the committee that 21,362 people have been wanded for knives or weapons. This has resulted in the seizure of 242 weapons and 656 offenders being charged with various offences. The weapons detected have included folding knives, flick-knives, machetes, a bush saw, a tomahawk, sharpened screwdrivers, replica firearms, knuckledusters and tasers.

The Queensland Police Service supports the extension and expansion of the trial to include all safe night precincts and any public transport station or public transport vehicle as there is evidence of a need to wand for knives in those areas. That evidence was provided in the departmental briefing note to the committee. The use of wands in these areas gives our officers the means to take proactive action against knife crime. This bill allows police officers to detect knives and weapons in the community before they can be used to devastating effect. Further public safety benefits arise through deterring the carrying of these weapons within these prescribed areas. The benefits of conducting wand in these prescribed areas outweigh the impost upon the person scanned.

The initial scanning of a person by police will cause very little delay for them. Typically the scanning of a person by police will take no more than one to two minutes, providing the person does not have any metal on them that may trigger the device. The use of the device does not touch the person; it simply passes over the person’s clothing and belongings.

The Griffith report made a number of suggestions should wand be extended past its current expiry date. One option raised is to retain the authorisations by the senior police officer but require them to be given only when there is evidence to suggest a heightened risk of weapons carrying, based on some form of evidence. In response to this suggestion, the bill provides strict legislative safeguards about wand in prescribed public areas. Only a senior police officer can authorise wand. These officers must be an inspector or above, or an approved senior sergeant. Authorisation for wand is limited to a 12-hour period and it is based on the following evidence of a heightened risk of knife or weapons offences. Firstly, section 39C of the bill provides that—

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the senior police officer may issue an authority only if—(a) any of the following happened at the relevant place in the previous 6 months—(i) at least 1 offence was committed by a person armed with a knife or other weapon;

—for example, going armed in public to cause fear, or—

(ii) at least 1 seven year imprisonment offence against the Criminal Code involving violence against a person ...

—for example, assault occasioning bodily harm while pretending to be armed, or thirdly, more than one offence of unlawfully possessing a knife or weapon under the Weapons Act.

Secondly, section 39C of the bill also provides that the senior police officer must consider the following: firstly, that wandering ‘is likely to be effective to detect or deter the commission of’ a knife or weapons offence; and the effect that wandering ‘may have on any lawful activity at the relevant place’; and any prior use and effectiveness of wandering in the area.

Supplementing this authorisation process for wandering is a continuation of the current legislative safeguards for police, namely that police must exercise power in the least invasive way that is practicable in the circumstances, and only detain the person for as long as is reasonably necessary. Police must also inform that they are required to submit to the use of the handheld scanner and provide their name and station if it is requested. A notice outlining the use of powers and the person’s obligations is to be offered to the person and, where practicable, the police officer conducting the scanning will be of the same sex as the subject person. In addition to the legislative safeguards contained in the bill, officers will continue to activate their body worn cameras to record every wandering interaction.

I can also add that prior to any wandering operation, the Gold Coast police also request Gold Coast City Council Safety Camera Network to be activated and also focus on their wandering operation. This adds another layer of transparency to police wandering activities in that area.

I am satisfied that the legislative safeguards put in place through the amendments in this bill will ensure that wandering in these areas will be conducted appropriately.

I can advise that the Police Service is currently readying itself to operationalise the bill should it be passed by parliament. We have stood up a project team which is led by myself and Superintendent Wildman, and it comprises of members from finance, equipment, operational policy, training, media, computing, legislation, and also Gold Coast police officers who are experienced in wandering so that we can take on board the learnings from the trial, as well as key points of contact from districts within safe night precincts or who had safe night precincts who are to be affected by this new legislation to provide local nuances and points of consideration to enhance the operationalisation of these new laws.

We are also mindful of the prospect of a further review of the wandering legislation and we are prepared to cooperate with any entity tasked to conduct such a review. In relation to equipment used to conduct wandering, currently the Garrett THD handheld metal detecting scanner with pouch is used and we do have one here for display. The Police Service intends to have sufficient station-issued handheld scanners available for authorised wandering operations should the bill be passed.

In relation to training, officers currently complete a five-unit online training video that provides instructions on how handheld scanners are to be used and wandering operations are to be conducted. Officers then receive face-to-face practical instruction on the use of the handheld scanner prior to deploying it in an approved operation. Additionally, officers receive a briefing prior to the commencement of a particular wandering operation and I was present for one of those on Saturday night.

In response to suggestions made in the Griffith University review, the training will be updated to identify the underlying objectives of the wandering and how members of the public should be selected for scanning. Those objectives will focus upon the goal of reducing violent crime. The training will also be updated to discuss how wandering can impinge upon protected human rights such as the right to equality before the law and also the right to freedom of movement. The training will make specific mention of the human rights implications in the use of stereotypes to guide decision-making. In this regard, officers should not specifically select people for wandering based solely on race or cultural identification, or as part of a group perceived as troublesome. The training will also provide evidence-based guidelines on risk factors for knife carrying to guide officer discretion when conducting wandering.

In response to suggestions made in the Griffith University review, the Queensland Police Service will formalise the current audit process used by supervising police to review wandering operations. This will include random audits of a proportion of all officers who participate in wandering, specifically focused on whether those officers are overtargeting any particular category of individual.

These audits can draw upon police body worn camera, local CCTV footage and an analysis of both offence and street-check data in the police database in order to identify any patterns of bias towards any particular group or person.

Madam Chair, I will raise the final measures to ensure the transparency of the wandering powers. New section 39J in the bill will require the commissioner to publish notice about each handheld scanner authority on the QPS website within two months after the authority is issued. Also, new section 808C in the bill will require the commissioner to include within the Police Service annual report statewide wandering data, namely, the number of authorities issued, the details of the places authorised for wandering, the number of persons wandered, the number of knives and weapons detected, the number of times a search power was exercised as a result of wandering and the number and type of charges against persons as a result of the use of the handheld scanner.

Madam Chair, the outcome of offences involving knives are far too often dire. It is all too easy for lives to be lost and families to be devastated. The Queensland Police Service endorses these legislative measures as they are designed to detect and deter unlawful possession of knives and weapons in the community, which benefits all members of our community. My colleagues and I are happy to answer any questions that the committee has in relation to the bill.

CHAIR: Acting Deputy Commissioner, thank you very much for that outline. I also thank you on two other fronts. On behalf of the committee, I thank you for all that you do as the Police Service to keep Queenslanders safe. Your contribution and commitment to this legislation is commendable. We certainly acknowledge your efforts in bringing this legislation to this point in the process. I also personally thank you for the invite to attend on Saturday night. I am very sorry that I was unable to make it but I do appreciate the thought to invite me as chair of the committee. Thank you. I will turn to the deputy chair who will have an initial question.

Mr BENNETT: Mr Wheeler, I am curious about two things. In relation to wandering, you mentioned section 39H and a few of the parameters within that. You would have a senior officer and so many others. In practice, how does that work? I am also curious about the expansion to transport. I guess this is about police safety in approaching possible violent criminals or people who are possessing these weapons. How are you addressing officer safety in that?

Deputy Commissioner Wheeler: If I understand the question correctly, this is around the transport hubs where we may designate a transport hub for the use of wandering powers?

Mr BENNETT: I had two questions there, Mr Wheeler. One was about how the wandering works in practice and the resources involved in that. Secondly, when using the transport hub initiative, how will we ensure the safety of the police officers themselves when setting out on this wandering path? If a suspicion or whatever has been raised, how will their personal safety be ensured? There are probably two questions.

Deputy Commissioner Wheeler: To answer the first part, obviously with the 15 safe night precincts and also, for instance, our transport hubs across the state that may be in scope for these powers, there will be a rollout of additional wands so that they can be operationalised and so that we have sufficient resources. Most importantly, though, the training of our police and also the guidelines of our police officers will be critical to this. The operation on the Gold Coast is well practised. The training down there is well advanced. We will have to make changes to that training given that we will be looking to add the transport networks—the transport infrastructure—to the suite so that we can actually exercise these powers. It is training and resources.

The deployment of resources in and of itself is something that we are doing internally. We are not seeking additional resources or overtime to run these operations. These are being run on a business-as-usual front. As you would be aware, our safe night precincts at the moment are actually done in a business-as-usual way. There is no overtime applied for those operations. We have integrated our business-as-usual rostering to cover those areas. That will be replicated across the state, whether it is a safe night precinct, a public transport hub or a public transport vehicle.

In terms of your second question essentially about the protection and safety of police officers, that is always at the forefront of my mind, whether they are working in a safe night precinct, whether they are responding to a domestic and family violence incident or a mental health patient. Our police undergo a strict regime of operational skills and tactics training. Some of the things we will learn out of the Gold Coast experience will obviously be integrated into that training if necessary in addition to the online product that we will have in place. All police go out appropriately armed with accoutrements and also with body worn cameras to make sure that all of those interactions are captured, as well as the use of the CCTV network that we see so well deployed on the Gold Coast.

We do anticipate that, in reality, the south-east corner will probably make up the bulk of those transport hubs and public transport vehicles simply because of the network and volume and also the previous offences that will have been committed in those areas over that period. I hope that answers the question, Deputy Chair.

Ms LUI: In regards to the links between the methods that you are using to scan, detect and deter, Griffith University suggests that there is no link. They suggest that there are no actual benefits from this. I also note Victoria in 2012 and the United Kingdom in 2021 where it was also stated that there is no links in police using stop-search powers and decreasing the incidents of night crime. What are your views around that?

Deputy Commissioner Wheeler: I will start with a response to that and then I will ask Mr Carroll to comment on the legislative part. Firstly, we are really grateful to Griffith University for conducting that review. I would note that Griffith University themselves pointed out some constraints with the review itself, particularly in terms of the COVID-19 patterns of life that were occurring during that period and also the relative brevity of the review itself, being 12 months. I also note that the Griffith University review did point out greater feelings from the public in terms of community assurance and community safety and also that our police officers involved were very positive towards the actual use of the wandering powers. I will ask Mr Carroll to make some comments in relation to the other matter, if that is okay, Madam Chair?

CHAIR: Yes.

Snr Sgt Carroll: In relation to the data that Griffith University provided as to the impact or potential impact of wandering on serious crime or crime in the Gold Coast area, they made some encouraging statements at page 35 of their report. They looked at assault with a weapon in the Surfers Paradise safe night precinct and they drew on data in relation to a number of serious offences, one being armed robbery and the others being assault occasioning bodily harm and grievous bodily harm with a weapon, wounding with a weapon, rape with a weapon, murder with a weapon. They compared, over a number of years, the trial data against those previous time periods.

Looking back 12 months from the data that was collected during the trial period, the trial period being 30 April 2021 to 30 April 2022, I will go through and state what is published at page 35 of the Griffith report. Wounding with a weapon has gone down from six to one from the previous 12-month time period to the trial. Rape with a weapon has gone down from three to one. Murder with a weapon has gone down from one to zero in the Surfers Paradise SNP. In relation to armed robbery, it has gone down from eight to three. Unfortunately, assault occasioning bodily harm and grievous bodily harm has gone up from 11 to 14.

The QPS finds that very encouraging data. I know the data is quite small and I acknowledge the caveat that Griffith University placed on that data at page 34 of the report. It states—

There was also a reduction in armed robberies during the trial, from 8 to 3 occurrences. A high degree of caution must be exercised in drawing conclusions based on such small numbers of that offence. This difference is NOT statistically significant ... and has had no effect on monthly counts.

It goes on to say—

Based on this, there is no evidence linking wandering to any decline in armed robberies, although this is something that should be re-investigated after more time has elapsed.

They have that caveat and they have a general caveat over the review data at page 18 of the report. It basically puts a general caveat over the data to say that COVID-19 had an impact on the data collection for the review. In relation to COVID-19 it states—

Covid-19 and the response to it caused major disruptions to both public activity and policing operations. For much of 2020-2021, the number of people present in public places declined sharply due to the imposition of lockdowns and other restrictions, and continued to be affected during subsequent infection waves.

It goes on to place the second caveat regarding the time period of the review—

The stipulated timeframe of a 12-month trial evaluated only months after the completion of the trial restricts the analysis of outcomes expected to be achieved over a longer period, such as changes to recidivism and displacement. This limits the evaluation to the assessment of short-term outcomes only.

It has those two caveats over the data and the QPS recognises and acknowledges that. The data that I talked about in the Surfers Paradise safe night precinct regarding offences involving a weapon I believe are quite encouraging and are a standout in the report.

I beg your pardon, member for Cook, was there a second part to that question?

Ms LUI: No, there was not a second part. I just referred to the two studies from Victoria and the United Kingdom.

Snr Sgt Carroll: I beg your pardon. Moving on to the research aspect, in 2012 the Victorian Office of Police Integrity did a review of the stop, scan and search powers in Victoria. They completed a report which is available on the World Wide Web. Unfortunately, they caveat that report at page 7 where they are talk about the data and making inferences from the data in Victoria. It states—

There are also issues associated with assessing whether the police use of ‘stop and search’ powers is effective in reducing violent or weapon-related crime. ‘Stop and search’ powers were introduced to reduce violent or weapon-related crime by discouraging people from carrying prohibited or controlled weapons. In Victoria, the gradual increase in police powers to search was justified on the premise that these powers would reduce knife-carrying in particular. Unfortunately the data that informs the debate about ‘stop and search’ legislation is problematic. Problems with definitions and statistical data collection make it difficult to establish how effective ‘stop and search’ powers have been in reducing knife-related crime in Victoria.

Unfortunately, their review had data issues, but we looked at both Victoria and other jurisdictions in relation to their stop and search powers. I will just bring to the committee’s attention, if I can, that the Victorian approach is different to the approach that the bill has in relation to stop and search. It is mainly around the trigger offence. I am making the assumption that it is very reactive. It does not have the pro-active ability that the bill contains. It is reactive in that section 10D of the Control of Weapons Act in Victoria requires an assistant commissioner or higher to make a declaration of an area to be a planned area if satisfied of either of the following: more than one incident of violence or disorder in the past 12 months involving a weapon; or there is a likelihood that violence or disorder will continue or there is an event to be held where any incidents of violence or disorder involving weapons has previously occurred. Their threshold is quite higher and I read it to be more of a reactive model—and I am not criticising it—whereas the approach in the bill has been really a bit of a hybrid, a bit of both. The trigger offences are reactive to offences involving weapon and knife but also pro-active in that we are looking at more than one unlawful possession of a knife and more than one unlawful possession of a weapon offence, and that will provide a trigger offence to the senior police officer to consider wandering. They are different models. Unfortunately, that Victorian approach had the data collection issue.

Dr ROBINSON: In terms of the trial, I have a comment and a couple of points and then I would be interested in your response. There is a question at the end. From my first look at the trial, it seems that those new powers have been useful and particularly effective in terms of getting weapons off the street. That is my initial comment. It seems potentially less invasive than other forms of search. My question is in terms of whether there have been any significant or substantial claims of abuse of the powers or complaints and allegations in that area. I would be interested if you could take up some of those points.

Deputy Commissioner Wheeler: In terms of your first comment around removing those weapons, absolutely it has been useful. If we talk about the 242 weapons that have been taken from people within safe night precincts since the commencement of the trial, those are 242 occasions where harm could have been done to a member of the community. We cannot measure and we cannot know whether any of those instances could have turned into something more tragic. What we do know is that when we see young people interact with each other, sometimes simply looking at someone the wrong way can cause groups of people or one or two people to come together and something that started off very simply and probably very innocently escalates very quickly. If you have a weapon that can be used on your person, we see that the difference between a nick on someone’s hand and death is a matter of millimetres. To that end, it has been incredibly useful. Over 21,300 people have been searched during the trial period and 242 of those weapons have been identified purely because of the search.

You made the point about it not being an intrusive process. You are absolutely correct. The wand does not touch any part of the body or the clothing. People are asked to declare if they have anything on them that could be considered illegal. For example, on Saturday night while we were working a 15-year-old boy who was in the company of two other 15-year-old boys was asked whether he had anything to declare. He produced a Gel Blaster Glock. I have seen it and I have handled that replica. If that young boy produced that weapon and aimed it towards police there would have been a devastating outcome. In that regard, we will never be able to measure what we have saved in terms of the 242. Can I just ask you to repeat the second part of your question?

Dr ROBINSON: Whether there have been any significant level of complaints from the public.

Deputy Commissioner Wheeler: I was really surprised at this statistic. As I said, over 21,300 people have been wanded during the period. There is no known recorded complaint. What I will say is that going forward going across the state we understand we will be going into different districts. Each district has its own nuances, it is own demographic issues. For instance, where I live in Townsville we see a high population of First Nations people throughout that area and of course in Cairns. What I would say about the complaints regime we now have in the Queensland Police Service

is that any complaints that are lodged, particularly with respect to racial issues, racial profiling, are all now centrally case managed by the Ethical Standards Command. That was one of the outcomes of the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, but it was actually implemented prior to the commission of inquiry’s findings. I am really confident we have a very good governance model and a very strict regime that, should we receive complaints, they are case managed centrally. They are not sent back to the districts to manage. They are managed centrally at a very senior level within the organisation. To simplify that answer: there are no known complaints with respect to the trial.

Mr SULLIVAN: I will direct this question to Deputy Commissioner Wheeler, but feel free to hand over to your colleagues if you wish. We have had some submissions in relation to intervention or human rights issues for people being searched, but can you talk a little bit about the cognitive development of young men—I say that because it is mainly young men—at that age and their ability to understand what they are doing. This type of crime reminds me a little bit of dangerous driving causing death cases, where you go into a courtroom and there are two sides of the courtroom both devastated, one a victim and one an offender, but both families are ruined. You spoke about the 15-year-old. Can you talk a little bit about why this sort of approach is almost saving them from themselves?

Deputy Commissioner Wheeler: I have worked in areas of the state from First Nations communities in Cape York across the length and breadth of the state down to Coolangatta as the district officer of the Gold Coast. What I have seen in terms of our young offenders or our young suspect offenders, particularly in some of our most disadvantaged areas, are chronic underlying health issues. I can provide you with an example of the work I am doing through the Townsville Stronger Communities Early Action Group. We are working with up to 20 young people who all come from very difficult backgrounds and dysfunctional home environments. The group we work with is aged between eight and 16. What we are doing with these young people is we are bringing on expedited health assessments of them. We recently did a health assessment of 10 young people aged between eight and 16. All 10 showed significant underlying health issues like FASD—foetal alcohol spectrum disorder—significant learning difficulties, cognitive difficulties, hearing loss, the inability to see properly—so really underlying, sad health conditions. When we interact with young people our police, of course, need to be aware of this. Our police are experienced in dealing with people from all walks of life.

To answer your question, if I understand it correctly, in relation to the young person we encountered on Saturday night there are a range of questions we would have for that young person to understand that young person’s requisite capacity to understand what is happening. There are also safeguards if we are going down a track where we are investigating an offence in terms of having an independent person with them, ensuring they understand the process itself.

Mr SULLIVAN: Beyond the individual, it is about stopping the groupthink mentality that it is okay or almost expected that you go out with it, a very misplaced sense of self-protection.

Deputy Commissioner Wheeler: Unfortunately, it is a self-perpetuating problem we have here. A youth will arm themselves with the intent of defending themselves. Another youth will go, ‘Well, if that person’s armed, I need to be armed.’ This becomes a self-fulfilling prophecy, unfortunately, that we do see. We also see the impacts of social media. We know the impact on young people’s minds. We also know the impact that has on like-minded people, as you suggested: ‘If I carry a knife, everyone must carry a knife.’ What we are trying to do is not only detect knives but we are also trying to deter young people particularly to break that cycle.

Mr BERKMAN: The Griffith review identified there were some pretty significant issues around the recording of data on QPRIME, particularly as it relates to recording the First Nations status of people engaged with wandering. There was a further recommendation that there should be improvements around Murri and Pasifika folk caught up in it as well. What has QPS done since the Griffith review to respond to that?

Deputy Commissioner Wheeler: You are correct. There was a wad of data that was sent over in the initial stages of the review. I will hand over to Mr Carroll in a moment because he has in-depth knowledge and interacted with Griffith on this. Essentially, if someone identified once that they were First Nations, irrespective of how many other times they identified—for instance, as Caucasian—the count came up as First Nations. That rule has now been changed to cleanse that data, and I am advised that the data was cleansed to be provided to Griffith. The other interesting thing out of the Griffith review was that the rate of wandering of First Nations people, for instance, was consistent with the rate of offending in those areas. That is my part of the answer. I will hand over to Mr Carroll to give you a really in-depth understanding of what happened with that data.

Snr Sgt Carroll: The original block of data provided by the QPS to Griffith University for the first stage of their report unfortunately had some errors in it in relation to the First Nations ethnicity identifiers of some persons. I will just extrapolate on what the deputy commissioner has said regarding the history to it. It might give a better understanding as to how we have dealt with it. The initial data was based on whether a person had ever been identified as First Nations on the police database on the data that was provided to Griffith, a First Nations identifier being Aboriginal, Torres Strait Islander or Aboriginal and Torres Strait Islander. In such instances the person would be identified as First Nations; however, should a person have been incorrectly recorded in the police database in the data that was provided to Griffith on just one occasion as a First Nations person, then their ethnicity identifier would be First Nations even if they had been recorded on other multiple occasions under their correct ethnicity identifier. Errors in the data occurred when police either accidentally recorded an incorrect ethnicity or if the person interacting with police advised police incorrectly of their ethnicity. This is because police officers at times manually enter data into the police QPRIME database when interacting with people.

Unfortunately this was the case with the initial block of data that was provided to Griffith University. Griffith University raised the issue with QPS and a rerun of the data extraction was conducted using an updated counting rule. The updated counting rule provides that a person is determined to be First Nations if the total number of self-identified First Nations entries for the person was higher than the combined total of all other ethnicity identifiers for that singular person. The cleansed data was provided to Griffith University and analysed by them. They stated at page 67 of their report—

While Aboriginal and/or Torres Strait Islander peoples make up only 1.2% of the population in Surfers Paradise (according to the 2021 Census), they consist of 3% of the wanding occurrences in Surfers Paradise SNP. This is commensurate with the percentage of offenders from First Nations backgrounds identified in Surfers Paradise SNP for the past four years.

Griffith then reported at page 68—

There were no differences in the average number of times Australian First Nations people were wanded compared with non-Indigenous people.

To prevent the problem from occurring again the QPS now uses the updated counting rule; namely, if the total number of self-identified First Nations identifiers for the person is higher than the combined total of all other ethnicity entries for the person then it will return the First Nations identity for the person. Putting it in a nutshell, we made a mistake, we realised what we had done, it has been rectified and the data and any associated data impacting the review has been rectified.

I will go a step further in relation to Mr Wildman’s area on the Gold Coast. They correlated their manual data collection for the trial with the QPRIME data block that was sent to Griffith University to make sure that it was a fair representation of the First Nations persons. That was confirmed with the cleansed data that was provided.

In relation to also capturing Maori and Pasifika ethnicities, QPRIME, which is the police database, has the capacity to record those ethnicities—breakdowns of a number of different races. For certain entries into QPRIME the reporting police officer is required to correctly manually enter that data if it is required or alternatively they can add that to the occurrence. I can confirm that we can capture and we do capture a number of ethnicity identifiers including Maori, New Zealander, Vanuatu, Papua New Guinean, Solomon Islands, Cook Islands, Fijian, Samoan and Tongan. My understanding is that captures a lot of Pacific nations, Pasifika, and we have that specific identifier of Maori.

We can capture that and that is something we want to emphasise in the training package—that there have been some errors; unfortunately, when humans get involved in entering data of this nature there can be errors—and we want to make sure that the training reinforces the importance of accuracy, taking your time and double-checking it before it is sent. That will be part of the training and the follow-up review of our processes. I hope that answers your question.

CHAIR: Mr Carroll, I want to check as chair of the committee whether the data that you presented in your police written briefing is cleansed or adjusted data?

Snr Sgt Carroll: It is; correct. The data that was provided in the written briefing from memory did not use ethnicity identifiers, which was the issue that I discussed. From memory we provided data—and I have the data tables here—regarding totals of persons who had been charged over the various years with found with or in possession of a knife. We also have a breakdown of their offence, age brackets, offence data for the various SNPs in terms of the unlawful possession of a knife, change in offence data for the 15 safe night precincts and statewide offence data.

CHAIR: Is it appropriate to table that information?

Snr Sgt Carroll: I can table that. That has been checked by our statistical services. If you would like me to go through the chain of command—

CHAIR: That would be great. I seek leave to move that Mr Carroll or Mr Wheeler table that information for the benefit of the committee. The motion is carried. As a member of the committee I was very encouraged to hear your reference to those perpetrators who carry weapons who have some history of foetal alcohol syndrome, learning difficulties, cognitive impairment et cetera, which we know impacts a young person’s ability, or any person’s ability, to make a good decision. I also note that in 2021 there was a statewide crime prevention campaign entitled ‘I live my life without a knife’. Could you provide an update, firstly, on whether that campaign will continue and, secondly, what provision in that campaign facilitates the learning of our young people who do have significant cognitive impairment, whether it be as a result of foetal alcohol syndrome, drug use or cognitive learning difficulties?

Deputy Commissioner Wheeler: I can indicate to the committee that ‘I live my life without a knife’ will continue; it will be rolled out across the state. I would put it this way. That campaign is like an anchor to a number of other campaigns that are underway at the moment, most notably the Jack Beasley Foundation ‘Detect Knives, Save Lives. Brett and Belinda are constantly rolling out their education package within schools. ‘I live my life without a knife’ emanated in Logan. It is a process that has been reviewed. The commissioner determined early last year that we would roll it out statewide, so there is an ability to do that across our 15 police districts.

In terms of your second question around how would that interact with these young people with learning and cognitive disabilities or issues, it would obviously depend on whether those young people are within schools. Unfortunately and very sadly, part of the problem we face with the youth crime issue is around kids not being in schools, not getting an education. That is the work we have to do first up with our partner agencies and forming multiagency groups like the Townsville Stronger Communities action group where there are generally seven main agencies around the table to coordinate those services to young people. We know that getting a young person into school is imperative for their future. No education, no job equals no hope. That is what we are trying to roll out across the state.

Many of the young people we are dealing with, particularly those with the underlying health issues, are not in school. The programs that, for instance, Brett and Belinda are rolling out, ‘I live my life without a knife’ generally are delivered to people within schools. So we have work to do with those young people who are not in schools, and that is being done through a multiagency approach. I hope that answers your question.

CHAIR: Thank you, Acting Deputy Commissioner.

Mr BENNETT: I started with how it is going to work in practice. I notice that proposed part 3A has those parameters one offence involving violence against a person punishable by seven years imprisonment being committed of within the previous six months. Then there is proposed new section 39A which says a senior officer may authorise a wandering. I am curious about how in reality we implement all those parameters under the new part 3A, which you read out in your introduction Mr Wheeler, that one offence be committed with a knife punishable by seven years et cetera. Then we have proposed new section 39A, which would be my preference, where a senior officer makes a call and gets on with it. In reality, how does it work with all those parameters?

Deputy Commissioner Wheeler: It may sound a little bit restrictive when you read it, but when you look at operationalising it, it is quite simple. We have the data at our fingertips.

Mr BENNETT: Do you make that assessment before you go on shift or something?

Deputy Commissioner Wheeler: We look at operations both tactically, that is we do them right now, and strategically, that is we plan them over a period of time or we are looking at trends in data and concerns from the community through our interactions with them. When you look at the way this will operate, quite simply our data is already there. We have already looked at data across the state, across our 15 safe night precincts and across those transport hubs. We know what the data tells us right now. We need to satisfy the other parts: where wandering is likely to be effective to detect or deter the commission of a knife or weapons offence and the effect wandering may have on any lawful activity at the relevant place and any prior use in terms of effectiveness of wandering in the area. If I start with that subsection (3) bit, obviously that will not apply because it has not been done in any other parts of the state.

Mr BENNETT: That is my point. How will the operation work?

Deputy Commissioner Wheeler: The information is already there. The data is already there. It will take a senior sergeant or an inspector who has been given some instruction of what to consider, and this will be a very quick process. It has to be thorough. However, I do not think this is a prohibitor to reacting quickly to a series of events. It could actually be done on a shift, noting that you have a

12-hour window to then conduct your operation. I do not see anything that would prevent a senior sergeant at 8 am on a Friday morning looking at some data and saying, ‘Hey, we’ve got an issue in X safe night precinct. We are going to now authorise a wandering operation for a 12-hour period over this time,’ and obviously the normal safeguards that have been built into the bill would apply. I hope that answers your question.

Mr BENNETT: Thanks for the clarification.

CHAIR: We have come to the end of our session with the Queensland Police Service. Again, thank you on behalf of the committee for all that you do not just in relation to the bill Jack’s Law but also what you do generally as a service to keep Queenslanders safe and to set the culture and the expectations not only of your own service but also certainly of every Queenslanders in our community. Thank you for your time today. We do really appreciate the scrutiny with which you have contributed your expertise. We appreciate all that you have done to prepare the bill as we move towards the bill being debated in the House. Thank you very much. We wish you a good day. Thanks again.

There was one issue. Would you like to consider the data submission and forward it to us by the date the questions on notice are due? Would you like to take it on notice or would you like to table that now?

Deputy Commissioner Wheeler: Madam Chair, we do actually have statistical data that has been cleansed and verified by stat services, so we would be in a position to table that now if that is convenient to the committee.

CHAIR: Deputy Commissioner, I might have a quick look at that as chair to double-check there is no way of identifying anyone or any particular group. Thank you very much for that. The committee has approved the tabling of that data, so thank you. Have a good day and again thanks for all that you do and stay safe.

Deputy Commissioner Wheeler: Thank you, Madam Chair.

CHAIR: The committee will take a short break.

The committee adjourned at 10.58 am.