

Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022

Submission No: 8
Submitted by: DVConnect Limited
Publication:
Attachments: See attachment
Submitter Comments:



SUBMISSION

Community Support and Service Committee

Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022

Submission date: 20 January 2023



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DVConnect receives funding from the Queensland Government

DVConnect respectfully acknowledges and celebrates the Traditional Owners/Custodians throughout Australia and pays its respects to Elders, children and young people of past, current and future generations. We are committed to helping anyone experiencing domestic, family and/or sexual violence. This includes the LGBTIQ+ community, people of all ethnicities, religions, ages, abilities and pets.

For information about this Submission, please contact:



About DVConnect

DVConnect provides several national and state responses to people who have experienced violence and offer support and pathways to safety and healing. There are a number of programs that DVConnect provide:

Queensland wide:

- DVConnect Womensline
- DVConnect Mensline
- Sexual Assault Helpline
- Pets in Crisis
- Bella's Sanctuary
- VictimConnect

Nationally:

- National Sexual Assault, Domestic & Family Violence Counselling Service, 1800RESPECT

DVConnect's driving ethos is respect and safety, the right of people to live without violence, in the home or in the community. We are a not-for-profit organisation, with primary funding streams from Department of Justice and Attorney General, Office for Women and Violence Prevention (Qld); Department of Justice and Attorney General, Victim Assist Queensland (Qld) and Department of Social Services (Aust)

DVConnect was established in 1980 and is Queensland's state-wide crisis response service for domestic, family and sexual violence. DVConnect helps Queenslanders find pathways to safety 24 hours a day, 7 days per week. Annually, DVConnect takes in excess of 100,000 calls across all lines and provides crisis intervention across a number of key services. Womensline receives one call for help every five minutes (across a 24 hour period). Crisis support is provided in the form of emergency telephone support, emergency crisis accommodation placement and transport for families affected by abusive relationship, counselling for men, women and victims of sexual assault, education and support for men, community education, and care for pets of families experiencing domestic and family violence. DVConnect also operates Bella's Sanctuary a 5-unit medium-term accommodation residence that exists to provide women and children with a safe housing option after leaving a shelter/refuge.

DVConnect provides Australia's national sexual assault, domestic and family violence support service, 1800RESPECT. This service provides information, referral and counselling 24 hours a day, 7 days per week. DVConnect's 1800RESPECT services are delivered in partnership with Telstra Health.

VictimConnect is the state-wide response for victims of crime that fall under the *Victim Of Crime Act 2019* (Qld). VictimConnect provides a state-wide 24/7 helpline and counselling and support service. Delivering this service expands DVConnect's experience with those who experience domestic, family and sexual violence to now include those who experience violent and personal crime in many situations across Queensland.

DVConnect operates from an intersectional feminist framework, acknowledging that domestic, family and sexual violence (DFSV) is gender-based violence. This gendered analysis is supported by research, evidence and data, and indicates that DFSV is most often



perpetrated by men against women, and that perpetrators of this violence are fully responsible for their actions. This framework acknowledges and responds to the intersectional experience of DFSV.

While the experience of those impacted by violent and personal crime is more broad reaching than DFSV, we build upon our intersectional, trauma-informed expertise to offer recovery-based counselling and case management.

The clinical services provided by DVConnect are inclusive and trauma-informed. We are guided by the diverse voices of survivors and recognise our clients as the expert in their own lives. The abilities, strengths, goals and needs of people living with disability are respected, as are individuals from culturally and linguistically diverse backgrounds. DVConnect acknowledge that Aboriginal and Torres Strait Islander people know best what their communities need and want. Importantly, the intersectional approach of DVConnect considers and responds to how overlapping forms of discrimination may impact a client's experience of DFSV and other violent and personal crime.



Opening Statement

DVConnect would like to acknowledge this Parliamentary Committee seeking submissions from the community regarding Jack's Law and appreciate the opportunity to provide input. DVConnect would like to acknowledge the families of Jack Beasley, the namesake of this proposed law, as well as Raymond Harris.

As an organisation committed to improving access to safety, DVConnect understands that community, services and systems need to innovate and evolve to make access to safety a reality. We recognise the need for alternative efforts to be made such as the trial and evaluation of Jack's Law in 2021/22 and admire those behind making this a reality. These opportunities allow us to test the boundaries of assumptions and challenge traditional thinking about what can improve safety.

While we are supportive of testing approaches that are intended to increase community safety, given the information available and after careful analysis, DVConnect is unsupportive of this Bill.

We have come to this position following examination of the *Review of the Queensland Police Wandering Trial August 2022*¹ (the Report), as well as exploring data across our support services including Queensland-wide victim of violent crime support service, domestic and family violence support services and the Queensland-wide sexual assault support service. DVConnect also consulted with specialist providers in the Gold Coast region considering the period of the trial and ensuing months.

While DVConnect recognises that the Report found high levels of police and community confidence in the benefits of scanning, other qualitative and quantitative data does not show any impact. Further, in a review of DVConnect's own quantitative and qualitative data there was no evidence of impact, positive or negative, regarding wandering.

From our understanding of what has been proposed and in consideration of the unintended, and understood consequences of implementation, and the limited impacts on safety to date, we find it challenging to reconcile how the practical application of the law by officers of the Queensland Police Service (QPS) is compatible with the *Human Rights Act 2019* (Qld).

DVConnect identifies that this law enables police to engage with individuals without grounds. Mark Ryan, MP, Minister for Police and Corrective Services and Minister for Fire and Emergency identified the far-reaching power of this law. As reported in The Guardian Mark Ryan notes "*These are exceptional powers, you don't see powers like this in many places around the world*"² and he asks the community to "*trust us with it*"³.

While instilling confidence in policing is an important goal that DVConnect believes to be critical in support of community safety, recent reviews, lived experience of community members, and formal inquiries have found this to be rightly challenging for many at this point. Given the affect that the application of "exceptional powers" may have, it is prudent in

¹ Ransley, J., Connell, N., van Felius, M., & Walding, S. (2022) *Review of the Queensland Police Service Wandering Trial*. Griffith Criminology Institute, Griffith University. [5722T1863-952D.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au/5722T1863-952D.pdf)

² Australian Associated Press (2022) 'Queensland police to get expanded powers to randomly scan people for knives', The Guardian, Wed 9 Nov. Available at: <https://www.theguardian.com/australia-news/2022/nov/09/queensland-police-jacks-law-random-stop-scan-search-powers>

³ Australian Associated Press (2022)



the current environment to refocus these powers to target violent and consistent DFSV offenders known to police and High-Risk DFV Teams in the state. This is of particular importance given that we know rates of violence and threats to safety of women and children is higher in domestic settings / home environments comparative to public settings ^{4[OBJ]}. Homicide is also more likely to occur in a residential setting, usually the victim's home, ^{5[OBJ]}.

If the Bill is successful then DVConnect supports the proposed additional requirements of authorisation, including the consistent reporting of authorisations. Further, DVConnect urges the *Research and Evaluation Branch* of the QPS to track similar data measures as was reviewed in the Report, at a critical minimum collects and analyses information about Key Questions - Sub-Aim 1.1 and Sub-aim 3.1.

⁴ Australian Bureau of Statistics. (2020-21). *Crime Victimization, Australia*. ABS. <https://www.abs.gov.au/statistics/people/crime-and-justice/crime-victimisation-australia/latest-release>.

⁵ Australian Institute of Criminology. (2022). *Homicide in Australia 2019–20* (Statistical Report 39) Australian Government: Attorney General Department. [Homicide in Australia 2019–20 \(aic.gov.au\)](https://aic.gov.au)



Experience of individuals and the community

DVConnect has concerns about the lack of evidence that the law improves the safety of individuals.

Findings in the Report

A number of weapons were detected through wandering, which did allow for deterrents to be put in place for those offenders. DVConnect agrees this is a positive of wandering. It also notes an increase in other charges coming forward because of scanning engagement, such as drug offences. While it is hoped that increased prosecution of drug and knife offences can increase safety, this relationship is unclear. Further, the trial failed to show any significant differences in violent or other offending. A reduction in violent and other offending being a primary indicator of improved safety within our communities.

Feedback from practice

In our work with men and women across the state through our domestic and sexual violence response programs as well as within our victim of crime support service, there has been no meaningful impact of wandering. Clients have not spoken about any improvements or perception of improved safety because of wandering. Consultation with our partner agencies in the Gold Coast area saw no impact to individuals or service delivery.

The use of knives and weapons is prevalent in our work with people accessing our VictimConnect program. Many of these incidents occur inside the home.

The use of knives and weapons is also prevalent in our work with people accessing Womensline and Mensline DFV programs. Most of these incidents occur inside the home.

The use of knives and weapons is notably absent from the experience of sexual violence for people who access our Sexual Assault Helpline program. Our Sexual Assault Helpline is also the service where we receive the most requests for support by individuals who have been assaulted in public spaces or outside of the home environment.

This tells us, that overall, the community has not been made safer by wandering. Further wandering is unable to improve safety as the use of knives as weapons occurs most commonly in residential settings.



Opportunity Costs and Anticipated Inadvertent Outcomes

Despite wandering not addressing many of the issues of violence that individuals who contact DVConnect experience and demonstrates no clear reduction of violent or other offending, DVConnect would be supportive of wandering if it did not impact negatively in any other way. However, DVConnect identifies several ways that this approach will have negative ramifications.

Specifically:

- The inability to place this investment in other more effective outcomes to mitigate the use of violence and show improvements to community safety
- The potential sense of false safety that wandering may give to the community
- Direct negative impacts on some groups in the community

Opportunity Costs

Effective fiscal management is critical to a safe and vibrant community. The Queensland Government must be judicious and discerning about how it invests to keep Queenslanders safe and well. The trial of Jack's Law was dependant on project funds and further roll out will have to sit within current district budgets. This raises two areas of concern for DVConnect.

Firstly, DVConnect has concerns that investments made will be underutilised. That is, it is a concern that wandering will happen less often if it must be prioritised within a larger budget. The Report highlights this concern and expects this will dilute any benefits identified. As DVConnect argues the impact of wandering is negligible, therefore it is a concern that initial investments are made, then minimally used.

Further the Report states that wandering, regardless of the budget, was utilised less often in the Broadbeach Safe Night Precinct (SNP). It was assessed that this was because the Broadbeach SNP was under a command that also had to oversee other traditional policing. In Surfers Paradise SNP, where a significant number of scans were conducted, the command does not need to oversee other traditional policing jobs. The Report suggests this may be because of the challenge of prioritising scanning over other policing demands. As many SNP are part of commands that are broader than the SNP, as well as the extensive number of commands that will oversee public transport corridors, raises uncertainty about how often wandering will occur.

The Report showed that a reasonable number of weapons and drug offences were detected as a result of wandering. However, a much larger number of wandings were conducted, many with no outcome. Without this sizable volume of scanning, it has to be questioned how many offences would have been proportionally detected.

This brings into questions the efficacy of the required equipment and training to ensure a district can enact wandering, relative to the number of times a district will be able to conduct wandering.

Secondly, is investment better placed elsewhere given the negligible proven effectiveness of weapon scanning to reduce violence.

Both QPS and DVConnect are starkly aware that minimal resources are available to ensure the safety of individuals and the community. Preventing violence is critical in maximizing



safety. The premise of wandng is a preventative approach, identifying weapons before they can be used. However, the evidence scanning reduces violent and other offences is absent. Investment in other preventative actions with proven outcomes would therefore be more effective, such as early intervention programs and enforcing accountability measures for people who use domestic or family violence.

Anticipated Inadvertent Outcomes

Two recent significant reviews into Queensland policing and the criminal justice system, Women’s Safety and Justice Taskforce⁶ and Commission of Inquiry into Queensland Police Service responses to domestic and family violence⁷, have identified systemic bias that has resulted in either over-policing or under-policing issues across the Queensland police force. This cannot be ignored when considering the allocation of broader powers to police in their engagement with the public.

The Report identified that police saw wandng as a way to engage with an individual and possibly identify offending (ie build reasonable suspicion) or utilise the voluntary nature of people giving their names as a mechanism of background checking. The number of drug offences recorded as a result of wandng support this finding.

The Report showed that officers used “rules of thumb”⁸ in making their selection of who would be scanned. While professional discretion is appropriate in policing, the lack of guidelines and safeguards to support officer decision making combined with the underpinning rhetoric that wandng is random leaves the process open to real and perceived bias.

The Report identified significant quantitative differences in the gender, age and cultural background of people stopped for scanning. This supports the commentary from police interviewed for the evaluation about the how they used their discretion to maximise the impact of scanning.

This directly connects with recent and historical concerns about fundamental cultural issues in the QPS and the overcriminalisation, over-policing and under-policing of First Nations people^{9,10,11}. There are also gendered and intersectional First Nations concerns about police approaches when women are victims and offenders¹².

When considering DFSV specifically, DVConnect notes that the interface between policing, safety and accountability is complicated and nuanced. The intersectional experience of First Nations people and history of colonisation and structural inequity in policing¹³ and the

⁶ Queensland Government. (2021-2022). Women’s Safety and Justice Taskforce. [Women's Safety and Justice Taskforce \(womenstaskforce.qld.gov.au\)](https://www.womenstaskforce.qld.gov.au)

⁷ Queensland Government. (2022). Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence. [Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence \(qpsdfvinquiry.qld.gov.au\)](https://www.qpsdfvinquiry.qld.gov.au)

⁸ Ransley, J., Connell, N., van Felijs, M., & Walding, S. (2022) *Review of the Queensland Police Service Wandng Trial*. Griffith Criminology Institute, Griffith University. [5722T1863-952D.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au) Page 73

⁹ Women’s Safety and Justice Taskforce (2022) *Hear her voice. Addressing coercive control and domestic and family violence in Queensland. Report One. Volume 2.* [volume-1-exectutive-summary-and-introduction.pdf \(womenstaskforce.qld.gov.au\)](https://www.womenstaskforce.qld.gov.au)

¹⁰ Women’s Safety and Justice Taskforce (2022) *Hear her voice. Women and girls’ experiences across the criminal justice system. Report Two. Volume 2.* [Hear-her-voice-Report-2-Volume-2.pdf \(womenstaskforce.qld.gov.au\)](https://www.womenstaskforce.qld.gov.au)

¹¹ Commission of Inquiry into Queensland Police Service responses to domestic and family violence (2022) *A Call for Change Report* www.qpsdfvinquiry.qld.gov.au

¹² Women’s Safety and Justice Taskforce (2022) *Hear her voice. Women and girls’ experiences across the criminal justice system. Report Two. Volume 2.* [Hear-her-voice-Report-2-Volume-2.pdf \(womenstaskforce.qld.gov.au\)](https://www.womenstaskforce.qld.gov.au)

¹³ Women’s Safety and Justice Taskforce (2022) *Hear her voice. Women and girls’ experiences across the criminal justice system. Report Two. Volume 2.* [Hear-her-voice-Report-2-Volume-2.pdf \(womenstaskforce.qld.gov.au\)](https://www.womenstaskforce.qld.gov.au)



criminal justice system leaves women and children particularly vulnerable to changes in policing practice. While DVConnect supports increased police engagement with perpetrators of DFSV as a means of increasing accountability, it is challenging to see how increased engagement through wandering would be of benefit. In fact, DVConnect is concerned this will only increase the criminalisation of First Nations people, in turn reducing their willingness to engage police.

Impingement of civil liberties

DFSV is one of the greatest forms of human rights violation. The oppression, control and violence that victims experience through DFSV highlights the importance of re-gaining self-determination and autonomy as part of how an individual who has been impacted by violence facilitates their own safety, recovery and resilience.

As a result, it is a foundational value of DVConnect to ensure the civil liberties of victim/survivors are upheld and progressed. To enable this, the general civil liberties of all Queenslanders must be maintained. Therefore, DVConnect does hold concerns about this power being enshrined in law. This is especially so, given the lack of evidence of any benefit on safety.

Any police power that impedes on the civil liberties of everyday Queenslanders with minimal overall benefit must be questioned. This analysis of power versus benefit has informed our stance regarding Jack's Law.

Incapability with Human Rights Act 2019

Connected to the above concern, there appears to be a significant mismatch between the Minister Mark Ryan's Statement of Compatibility¹⁴ and the background and practical application of this law.

The Statement of Compatibility outlines that this law is compatible with all elements of the *Human Rights Act 2019* (HRA). In this Statement wandering is described as "random" and this forms part of its compatibility with the HRA. This application of random seems impractical and systemically impossible.

The Report, and other commentary and coverage, highlight that this law was prompted by youth crime^{15,16}. That is, the foundational element of this law is to help address a specific issue. While targeting youth may not be the intent of the law in its drafting, this spirit sits behind the communities understanding.

Second, qualitative and quantitative findings in the Report show that police apply discretion in who they do scan. This is reportedly done for practical reasons and to maximise the effective use of limited police resources.

DVConnect recognises that police discretion in wandering has the potential to be more effective and practical than randomly selecting individuals for scanning. However, the

¹⁴ Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022 *Statement of Compatibility* (Qld) (Austl.) [5722T2002-5FA9.pdf](https://www.parliament.qld.gov.au/5722T2002-5FA9.pdf) ([parliament.qld.gov.au](https://www.parliament.qld.gov.au))

¹⁵ Ransley, J., Connell, N., van Felius, M., & Walding, S. (2022) *Review of the Queensland Police Service Wandering Trial*. Griffith Criminology Institute, Griffith University. [5722T1863-952D.pdf](https://www.parliament.qld.gov.au/5722T1863-952D.pdf) ([parliament.qld.gov.au](https://www.parliament.qld.gov.au))

¹⁶ Nationwide News (2021) *Police to use metal-detecting wands on Glitter Strip to stop weapons entering Safe Night Precinct in new trial* Gold Coast Bulletin, Friday 11 February, Available at: [Police to use metal-detecting wands on Glitter Strip to stop weapons entering Safe Night Precinct in new trial | Gold Coast Bulletin](https://www.goldcoastbulletin.com.au/news/police-to-use-metal-detecting-wands-on-glitter-strip-to-stop-weapons-entering-safe-night-precinct-in-new-trial-20210211)



Statement of Capability, needs to acknowledge this and address what is, or should be, in place around the use of discretion to ensure human rights are being upheld. DVConnect would suggest clear and specific safeguards are needed to underpin ethical and acceptable professional discretion. These safeguards should include data capture and reporting which would facilitate oversight of that discretion.

DVConnect also questions how the Statement of Capability outlines the limitations that this law places on some human rights to ensure the human rights of others more broadly. Specifically, it references the “public safety benefits by reducing the opportunity for serious violent offending involving knives and other bladed weapons”. As the Report found there were no significant change in violent and other offences, it is then thought this public safety benefit must be the presumption that all weapons identified by wandings reduces the opportunity for a violent offence.

Working with this assumption, the Report identified 68 bladed weapons were detected through wandings and 72 were seized separate to any scanning process. In the same period, there were nearly 13 000 wandings occurrences. This data suggests other policing methods were more successful in taking weapons off the street and that less than one percent of wandings occurrences yielded the key intent of identifying a weapon thereby increasing public safety. Therefore, this fails to evidence that any impingement of human right under this law is to a significant greater benefit.

While it is logical that removing weapons before they have caused harm reduces the risk to the community, the evaluation showed no real change in actual offending. Therefore, there is no evidence that this is a successful preventative activity at this stage.

Community confidence

DVConnect knows that public confidence in policing is critical for community safety, both perceived and actual. Specifically, the safety of women and children are improved if they have confidence in Queensland Police Services. Therefore, we looked for evidence within The Report that wandings increased the perception of community safety, and we found this to be minimal. Furthermore, the minor improvements in sense of safety that were identified can also be challenged by the fact that wandings were generally carried out on overtime shifts. This would suggest that times when wandings were being conducted would be times where more police in total were in the SNP (those on usual shifts and those wandings). The high police presence may have influenced this sense of safety.

Given the overall lack of evidence that scanning reduced violent and other offending, and the tenuous link between wandings and perception of increased safety, DVConnect continues to question the advantages to scanning overall.

Preferred investment

DVConnect acknowledge QPS for trialling new approaches in the interests of community safety. We understand that improvements to community safety are made through innovation, collaboration, and consultation, and we also recognise that the trialling of new approaches provides opportunity for continuous improvement based on evaluation and learnings.

In considering findings from The Report combined with our own decades of experience as an organisation responding to community safety needs, DVConnect are of the opinion that further investment should be made in areas that increase public safety and are responsive to significant events that occur in our community.



As Jack's Law involves a significant increase in police powers and additional investment in training and equipment. Given the resourcing necessary, and the evidence that it has had no significant impact on violent and other offending while trialled, DVConnect does not support this Bill.