

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

**Submission No:** 16  
**Submitted by:** Bar Association of Queensland  
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**PRIVATE AND CONFIDENTIAL**

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Community Support and Services Committee  
Queensland Parliamentary Service  
Parliament House  
George Street  
BRISBANE QLD 4000

**By email: [CSSC@parliament.qld.gov.au](mailto:CSSC@parliament.qld.gov.au)**

Dear Committee,

1. The *Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022* (Bill) is currently under consideration by the Queensland Parliament. "The primary objective of the Bill is to extend and expand the trial of hand held scanner provisions to detect unlawfully possessed knives beyond the Surfers Paradise and Broadbeach safe night precincts (SNPs)."
2. The Bill, it is said, "will achieve this objective by amending the *Police Powers and Responsibilities Act 2000* (PPRA) to:  
...  
"increase the scope of prescribed public areas for scanning to include all 15 safe night precincts and all public transport stations, including public transport vehicles;"
3. The *Queensland Police Service Brief to the Community Support and Services Committee Police Powers and Responsibilities and Other Legislation Amendment Bill 2022* reports that "It is assumed that [support for expansion] is more likely to exist in places where there is a greater degree of concern about community safety and people expect a greater degree of security than would exist in other public spaces." The Brief then sets out statistics for knife crime in recent years. While those statistics provide support for an expansion of the wandering regime to include all SNP and all public transport stations, nothing in the Brief supports the proposition that wandering should be extended to all persons present onboard a public transport vehicle in transit regardless of whether they intend to disembark at an SNP or public transport station. Yet that is the effect of the draft Bill.
4. The BAQ agrees that the wandering trial has been successful and merits expansion. The Bill in its current form, however, would empower the Queensland Police to stop and wand, and then search, all persons onboard any public transport vehicle who are "travelling within 1 scheduled stop in any direction of that public transport station." This would arguably include any person travelling to a



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location beyond the series of three stations comprised of the declared public transport station and one scheduled stop either side of it, regardless of whether person was continuing to another location without disembarking at any of those three points.

5. To illustrate by example, if a declaration were made in respect of Central Station, any person who was travelling by train from the northern suburbs to South Brisbane on a train that travelled through Fortitude Valley, Central, and Roma Street, could be required to submit to wandering and associated searches while onboard the train at any point between those three stations, merely by reason of being onboard while the train journeyed past those three stations. Such a person, with no intention of disembarking at Central or within 1 scheduled stop of Central, would nonetheless be required to submit to wandering on request, and to any related searched, or commit an offence by failing to do so. Nothing in the Brief justifies this extraordinary invasion of privacy without warrant.
6. The Griffith Criminology Institute *Review of the Queensland Police Service Wandering Trial* also does not support expansion to include all persons who may be onboard public transport vehicles in transit through a station but not disembarking. Rather, the Review supports, at 77-78, a focus on SNPs and public transport hubs. There is no justification for interference with the liberty and privacy of persons who are in transit and have no intention of disembarking at a declared station or entering an SNP.
7. The Bill should be amended to remove the power to wand and search persons in transit and instead be confined to power to wand and search persons who disembark at a declared station (or who are present in a SNP).

Thank you for the opportunity to contribute to the consideration of these matters. The Association would be happy to contribute to any further discussion on this issue.

Yours faithfully



**Dámien O'Brien KC**  
President