

**Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025**

<b>Submission No:</b>	2
<b>Submitted by:</b>	Queensland Victims' Commissioner
<b>Publication:</b>	Making the submission and your name public
<b>Attachments:</b>	See attachment
<b>Submitter Comments:</b>	

# Submission to the Justice, Integrity and Community Safety Committee

## Victims' Recognition

The Office of the Victims' Commissioner respectfully recognises all victims of crime.

We see you, we believe you and we acknowledge the harm you have suffered.

We respect your choices in whichever path you may take. Your emotions and reactions are valid.

We see your strength, courage, resilience, and vulnerabilities and support your right to self-determination, and to lead lives free from fear.

To loved ones of those who have died, we offer our condolences, and we acknowledge the ongoing hurt and pain you experience.

We recognise the important role of people supporting and advocating for victims of crime, both personally and professionally.

We value the experiences you have shared with us as they shape our work.

## Recommendations

1. I **recommend** that 'Jack's Law' be made permanent (Clause 17).
2. I **recommend against** the removal of the requirement for a senior police officer to authorise the use of hand held scanners at relevant places as currently provided in section 39C(2) of the PPRA (clause 10).
3. I **recommend against** changes to reporting requirements as set out in sections 39J and 808C of the PPRA (clauses 16 and 18).
4. I **recommend against** the expansion to other public places (clause 11).
5. I **recommend** that the Bill be amended to provide for an amendment to section 39(H) to include a requirement for the wandering to be undertaken by an officer of the same gender where reasonably practicable.
6. I **recommend against** the changes to notification requirements (clauses 15 and 16).
7. I **recommend** that the Queensland Police Service ensure compulsory continuous training for officers authorised to exercise the powers to ensure that as far as possible the powers are exercised in way that does not further traumatise victim-survivors in the community who may be subjected to these powers.
8. To build community confidence, I **recommend** the Bill be amended to provide for an independent statutory review of the exercise of the powers in Chapter 2, Part 3A of the PPRA which includes:
  - a) an assessment of their impact on reducing the number of victims of knife crime and other violent crime,
  - b) a timeframe, being as soon as practicable three years after commencement of these provisions, and then again seven years after commencement,
  - c) that the review must be carried out by an independent and appropriately qualified person.
  - d) the Minister must table a copy of the report about the outcome of the review in the Legislative Assembly within 14 sitting days after receiving the report.
9. I **recommend** that the Committee consider the role of an appropriately qualified independent body, such as the proposed Independent Police Integrity Unit, to undertake the review of the 'Jack's Law' amendments.

## Introduction

This Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 arises out of community concern around knife-related crime. The Bill proposes amendments to the *Police Powers and Responsibilities Act 2000* (PPRA) to provide police officers with proactive powers to detect and deter the unlawful possession of knives. The objective of these provisions is to minimise the risk of physical harm caused by knife crime and enhance community safety and security.

My submission focuses on proposed amendments to the PPRA (Part 3 of the Bill) and makes no comment to the proposed amendments to other Acts contained in the Bill.

It is my vision that victims be respected, seen and heard in a justice system that anticipates their needs. In order to achieve this, we must consider how victims' needs are prioritised across five domains:

1. accountability and learning;
2. safety and protection;
3. dignity, choice and control;
4. healing and support; and
5. system design.

While each individual victim has their unique understanding of what 'justice' means to them, access to justice and equity in justice are common threads in the experiences shared by victim-survivors with my office. Access to justice relates to victims' having access to support following the harm they have experienced, as well as an ability to participate in the systems which they have been propelled into. Equity means that regardless of a victim's background or identity, their unique experiences and needs will be responded to, and their rights will be upheld.

My advice in this submission is informed by the experiences shared with me by victims and their representatives. Since my appointment last year, I've met with a broad range of victim-survivors, each with unique, deeply confronting experiences of violence and harm and difficulties navigating the criminal justice system. This submission is also informed by the 2022 Griffith Criminology Institute Review of the Queensland Police Service Wandering Trial (the Griffith evaluation).

### Note on language

I use the term 'victim' and 'victim-survivor' throughout this submission. I acknowledge the diverse preferences of individuals with lived experience of crime. I recognise that language plays a significant role in shaping narratives and that individuals may have varying preferences regarding their identities. Some individuals may prefer 'victim' as it emphasises their experience of harm, while 'victim-survivor' acknowledges the ongoing effects and harm caused by crime and highlights the strength and resilience of individuals with lived experience. By incorporating both terms, I hope to honour these perspectives and foster an inclusive dialogue.

I may also use the term 'victim' when referring to legislation as it is a term commonly used in legal frameworks.

## Role of the Victims' Commissioner

The role of the Victims' Commissioner is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (VCSVRBA) to promote and protect victims' rights. My functions include:

- a) to identify and review systemic issues relating to victims; and
- b) to conduct research into matters affecting victims, including particular cohorts of victims; and
- c) to consult in relation to matters relating to victims, including a person's experience as a victim and their experience in the criminal justice system; and
- d) to deal with complaints about alleged contraventions of the victims charter; and
- e) to publish information in relation to the criminal justice system; and
- f) to promote the victims charter and rights of victims and to advocate on behalf of victims by making recommendations and providing advice, training, information or other help to government and non-government entities; and
- g) to provide advice to the Minister on issues affecting victims and the promotion of victims' rights, including making recommendations about improvements to government policy, practices, procedures and systems to support the rights of victims; and
- h) to monitor the implementation of recommendations made by the commissioner under this Act; and
- i) to perform any other function given to the commissioner under this Act or another Act.

Under section 6 of the VCSVRBA, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependents of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.

## The Charter of Victims' Rights

The Charter of Victims' Rights (the Charter) is set out in schedule 1 of the VCSVRBA. The Charter describes the way in which a victim of violent crime should be treated, as far as practicable and appropriate, by government and non-government entities. It sets out the rights of an affected victim<sup>1</sup> that are to be upheld by prescribed persons<sup>2</sup> when dealing with the victim.

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<sup>1</sup> *Affected victim* includes a person who has suffered personal harm because of a violent crime or domestic and family violence committed against them, a family member or dependent of that person or a person who dies as a result of the offence, a person who is harmed when intervening to help another person who is harmed or dies because of the offence. See ss 38 and 39 VCSVRBA for more detail.

<sup>2</sup> *Prescribed person* includes government entities, and non-government entities that are funded by government to provide support to victims as its primary function (section 40 and Schedule 2 VCSVRBA).

## Charter of Victims' Rights complaints

In September 2024, my office began receiving complaints from victims about their rights not being upheld under the Charter. Previously, the Victim Services Coordinator, Victim Assist Queensland had responsibility for receiving Charter of Victims' Rights complaints, however the powers and functions in relation to those complaints are significantly enhanced under the VCSVRBA.

From 2 September 2024 to 31 March 2025, close to 350 Queenslanders have had contact with my office, with close to 500 Charter of Victims' Rights complaints, enquiries and feedback. This represents a significant increase in engagement with the Charter, especially noting that Victim Assist Queensland received less than 40 Charter complaints during 2021-2023.<sup>3</sup>

## Review of the Charter of Victims' Rights

In February 2025, I commenced a systemic review of the Charter of Victims' Rights (the Charter Review), pursuant to my functions under section 9(a) of the VCSVRBA. The review aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime, in line with recommendations by the Women's Safety and Justice Taskforce<sup>4</sup> and the Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime.<sup>5</sup> The review will be informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime.

I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026.

# Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025

## Removal of the sunset clause: making Jack's Law permanent

I recognise the significant work of the Jack Beasley Foundation in advocating for legislative changes aimed at better protecting the community, through improving the tools and resources available to police to do their jobs. Making Jack's Law permanent clearly demonstrates the Government's commitment to addressing knife-related crime and strengthening safety and security in our communities.

The Griffith evaluation reflected on the positive feedback received by officers from the public in relation to wandering being a 'positive initiative to enhance community safety', and the public 'indicating to officers that they felt safer as a result of wandering'.<sup>6</sup>

<sup>3</sup> Parliamentary Inquiry into Support Provided to Victims of Crime, *Departmental Briefing Paper – Department of Justice and Attorney-General* (30 March 2023) 8.

<sup>4</sup> Women's Safety and Justice Taskforce, *Hear her voice - Report two - Women and girls' experiences across the criminal justice system*, recommendations 19 and 20.

<sup>5</sup> Legal Affairs and Safety Committee Report No. 48, 57th Parliament, *Inquiry into support provided to victims of crime*, recommendations 2 and 3.

<sup>6</sup> Griffith Criminology Institute, *Review of the Queensland Police Service Wandering Trial* (2022, Final Report) 56.

### Recommendation

1. I **recommend** that 'Jack's Law' be made permanent (Clause 17).

## Agency accountability

In making these laws permanent, it is critical that several safeguards continue, or are further implemented.

Through my complaint handling and consultation functions under sections 9(c) and 9(d) of the VCSVRBA, victims have shared with my office the detrimental impact that a lack of community confidence in criminal justice agencies has on their interactions with government agencies and the importance of accountability.

Public accountability and transparency are critical to building the community's confidence in police responses and feelings of community safety.

The authorising and reporting requirements under Jack's Law's current legislative framework have evolved since the trial was established in 2021, strengthening the criteria that a senior police officer must consider before approving the use of a hand-held scanner device and the Commissioner's reporting requirements.

While the Bill's proposed changes with respect to accountability safeguards (namely, clauses 10, 16 and 18) are aimed at improving efficiencies for police, their removal may erode public confidence in police responses. Any erosion in public confidence and trust that police are exercising their powers fairly and in a non-discriminatory manner may also result in a decrease in reporting of other serious crime, which may ultimately impact upon the support received by those victims of crime.

### Recommendations

2. I **recommend against** the removal of the requirement for a senior police officer to authorise the use of hand held scanners at relevant places as currently provided in section 39C(2) of the PPRA (clause 10).
3. I **recommend against** changes to reporting requirements as set out in sections 39J and 808C of the PPRA (clauses 16 and 18).

## Community safety and protection

The Bill extends the application of Jack's Law to include other public places that are not currently prescribed (clause 11). According to the Bill's Explanatory Notes:

This may capture areas that are characterised by factors such as high pedestrian density, a predominance of licenced premises, a location where there is an elevated concentration of people in the area due to an event or where police have received criminal intelligence about the use of knives or other weapons in the place.

The Griffith evaluation found that wandering had been inconsistently used across different groups in the community and recommended that the continuation of wandering should be targeted only at areas where data shows higher than usual prevalence of knife offences.

Allowing senior officers to authorise wandering in circumstances where there is an elevated concentration of people in the area due to an event is broad and risks an authorisation occurring for what may otherwise be a peaceful and lawful gathering. The requirement for a senior officer to be satisfied that a scanner is likely to be effective to detect or deter the commission of an offence does not sufficiently overcome the existing evidence which suggests that wandering has been inconsistently used across groups and that while wandering may detect knife-carrying in certain areas, there is no evidence yet that it deters knife-carrying.

The approach suggested by the Griffith evaluation would be consistent with community expectations surrounding the deployment of targeted and tailored policing responses. To increase the public's confidence in the safety of their communities they need to see policing resourcing and effort expended on initiatives that they know will have a measurable impact on reducing rates of victimisation.

#### Recommendation

4. I recommend against the expansion to other public places (clause 11).

### Individuals subject to wandering

In considering the expansion of police powers under this Bill, regard must also be had to the experiences of those being stopped and subjected to wandering. While wandering does not involve a physical search of the body, it can nevertheless be an invasive or triggering experience, particularly for individuals who experience trauma because of prior victimisation (for example, people who have experienced sexual violence).

I note that section 39H currently includes a safeguard for wandering to be undertaken in the least invasive way that is practicable in the circumstances. I also note that the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024* removed the requirement for a police officer to be the same sex as the person being wandered where reasonably practicable (though gender safeguards exist for personal searches). This provision was removed because hand held scanners do not involve touching a person being scanned. While scanning may not necessarily involve touching a person, it can nevertheless be invasive. Consideration must be had to re-instating that safeguard.

Officers should also be mindful that wandering, which is not based on a reasonable suspicion of the person being wandered, may result in adverse responses which are based on a trauma response, arising out of prior victimisation. This will be particularly relevant should Jack's Law be expanded to other public places, as envisaged in this Bill. Appropriate training to officers exercising these powers is critical.

I note that the proposed amendment to section 39H(4)(e) removes the requirement for a notice to be provided to a person and requires the officer to inform the person that a failure to comply with a requirement under section 39BA, 39E or 39G is a prescribed circumstance under section 30(1)(1) of the PPRA. While the removal of a written notification is aimed at improving efficiencies for police, the ability to request a written notice of the wandering provides individuals with dignity, choice and control in the circumstances. This may be particularly important to individuals who have previously experienced victimisation or had negative experiences with police. Should the notification requirement be removed, consideration must be given to ensuring that section 39(4)(e) is communicated to the individual in clear plain language that is understood by that individual.

### Recommendations

5. I **recommend** that the Bill be amended to provide for an amendment to section 39(H) to include a requirement for the wandung to be undertaken by an officer of the same gender where reasonably practicable.
6. I **recommend against** the changes to notification requirements (clauses 15 and 16).
7. I **recommend** that the Queensland Police Service ensure compulsory continuous training for officers authorised to exercise the powers to ensure that as far as possible the powers are exercised in way that does not further traumatise victim-survivors in the community who may be subjected to these powers.

## Review

It is imperative that the impact of any amendments adopted be further reviewed and evaluated. I note that the 2022 Commission of Inquiry into Queensland Police Service responses to domestic and family violence recommended the establishment of an Independent Police Integrity Unit (Recommendation 68 of *A call for change*). I understand this recommendation is yet to be implemented but a working group has been established to consider its implementation.

Such a body may be able to examine the operation of the expanded powers proposed in this Bill to ensure that no unintended consequences arise from these amendments and, where necessary, investigate any allegations of misconduct by QPS officers. I note similar bodies interstate such as the New South Wales Law Enforcement Conduct Commission frequently undertake such functions when new police powers are introduced. Increased police accountability will positively contribute to improved public confidence in the criminal justice system.

### Recommendations

8. To build community confidence, I **recommend** that the Bill be amended to provide for an independent statutory review of the exercise of the powers in Chapter 2, Part 3A of the PPRA which includes:
  - a) an assessment of their impact on reducing the number of victims of knife crime and other violent crime,
  - b) a timeframe, being as soon as practicable three years after commencement of these provisions, and then again seven years after commencement,
  - c) that the review must be carried out by an independent and appropriately qualified person.
  - d) the Minister must table a copy of the report about the outcome of the review in the Legislative Assembly within 14 sitting days after receiving the report.
9. I **recommend** that the Committee consider the role of an appropriately qualified independent body, such as the proposed Independent Police Integrity Unit, to undertake the review of the 'Jack's Law' amendments.