

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

Submission No:	5
Submitted by:	Legal Aid Queensland
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

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

Submission by Legal Aid Queensland

14 April 2025

Introduction

Legal Aid Queensland (LAQ) welcomes the opportunity to make submissions on the *Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025*.

LAQ provides input into State and Commonwealth policy development and law reform processes to advance its organisational objectives. Under the *Legal Aid Queensland Act 1997*, LAQ is established for the purpose of “giving legal assistance to financially disadvantaged persons in the most effective, efficient and economical way” and is required to give this “legal assistance at a reasonable cost to the community and on an equitable basis throughout the State”. Consistent with these statutory objects, LAQ contributes to government policy processes about proposals that will impact on the cost-effectiveness of LAQ’s services, either directly or consequentially through impacts on the efficient functioning of the justice system.

LAQ always seeks to offer policy input that is constructive and is based on the extensive experience of LAQ’s lawyers in the day-to-day application of the law in courts and tribunals. LAQ believes that this experience provides LAQ with valuable knowledge and insights into the operation of the justice system that can contribute to government policy development. LAQ also endeavours to offer policy options that may enable government to pursue policy objectives in the most effective and efficient way.

This submission calls upon the knowledge and experience of LAQ’s Criminal Law Services (CLS), which is the largest criminal law legal practice in Queensland and provides advice and representation across the full range of criminal law offences. CLS lawyers possess valuable knowledge and insight into potential impacts of this policy on criminal legal practice and the practical implications for defendants.

Submission

LAQ holds several concerns about the proposed amendments to the existing legislative framework, which are outlined below.

Section 39BA: removing the need for a police officer to obtain authority from a senior police officer

LAQ does not oppose removing the requirement to issue a handheld scanner information notice on request or to notify a manager or occupiers of the exercise of Jack’s Law.

However, LAQ holds concerns about removing the need for a police officer to obtain an authority from a senior police officer to operate a handheld scanner, as provided by the insertion of new section 39BA.

In LAQ’s view, the requirement for authority from a senior police officer that is contained in the current *Police Powers and Responsibilities Act 2000* (PPRA) provides a level of oversight and protection to Jack’s Law that should remain in place. While the scanning itself may be minimally invasive, it is still a limitation of human rights; as such,

consideration must be given to section 13 of the *Human Rights Act 2019 (Qld)* (HRA) in determining if the limitation is reasonable and justified. LAQ's view is that the current arrangements, whereby senior police officers are required to provide authority for the use of Jack's Law, are a less restrictive and reasonably available way to achieve the stated purpose (i.e. community protection from knife crime).

Section 39C: authorisation by senior police officer

LAQ submits that no changes should be made to the 'subjective test' (that is, the criteria from the current PPRA section 39C(2)(b) onwards). Requiring a senior police officer to have regard to the current criteria in this test would, in LAQ's view, assist to satisfy the section 13 HRA considerations around limiting a human right.

As noted above, LAQ also submits that the requirement for the authority to be issued by a senior officer ought to remain. LAQ sees this as an appropriate safeguard of the powers given to police under Jack's Law, particularly given that the proposed section 39BA of the Bill seeks to significantly expand the breadth of those powers by increasing the number of "*relevant places*" whereby a handheld scanner may be used without warrant.

If there are concerns that the potential number of authorities required may be an administrative burden for senior police officers, LAQ suggests that the definition of 'senior police officer' could be expanded. A sergeant, in addition to a senior sergeant, could be taken to have authority as a 'senior police officer'. LAQ notes, for example, that section 53BD of the PPRA (with respect to control orders) defines a senior police officer as "*of at least the rank of sergeant*". A senior police officer is defined in section 197A PPRA (with respect to accessing financial account information) as "*of at least the rank of inspector*".

LAQ suggests that defining a 'senior police officer' in a similar manner to the above examples for the purposes of Jack's Law would be a more appropriate way of balancing the administrative burden for Queensland Police Service with the need to maintain reasonable safeguards to limitations of human rights.

Organisation	Legal Aid Queensland
Address	44 Herschel Street Brisbane QLD 4001
Contact number	07 3917 0414
Approved by	Nicky Davies, Chief Executive Officer
Authored by	Nikki Larsen, Senior Lawyer (Policy and Law Reform) – Criminal Law Services; Kerry Bichel, Director – Criminal Law Services; Jessica Dean, Principal Lawyer (Strategic Policy)