

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

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Queensland  
**Human Rights**  
Commission

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

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Submission to Justice, Integrity and Community Safety  
Committee

15 April 2025

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# Introduction

1. Thank you for the opportunity to provide a submission on the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (**the Bill**) which seeks to make permanent the use of hand held scanners by police officers to detect knives and other weapons in certain public places ('prescribed places'), to remove the requirement for a police officer to obtain authority from a senior police officer prior to using a hand held scanner in a prescribed place, and to extend the use of hand held scanners to include public places that are not 'prescribed places' with authority from a senior police officer.
2. The Queensland Human Rights Commission (**the Commission**) is an independent statutory body established under the *Anti-Discrimination Act 1991*, with functions under that Act and the *Human Rights Act 2019* (**Human Rights Act**) to promote an understanding, acceptance, and public discussion of human rights in Queensland. This submission has been approved by the Queensland Human Rights Commissioner.
3. In summary, this submission asserts that:
  - The use of hand held scanners without warrant or reasonable suspicion places substantial limits on human rights.
  - For legislation to be compatible with human rights, any limitation on rights must be for a legitimate purpose and there must be a rational connection between the limitation on rights and the legitimate purpose. In other words, the limitation must help to achieve the purpose.<sup>1</sup>
  - The legitimate purpose put forward for the limitation on human rights is that the use of hand held scanners will minimise the risk of physical harm caused by knife crime.<sup>2</sup>
  - This is undoubtedly a legitimate purpose. Governments have a duty to protect their citizens and the rights of community members. However, the Commission does not agree that the Bill will achieve this purpose. After almost four years of operation, the government has not produced any evidence that using hand held scanners is effective in reducing violent crime, and the Commission has been unable to identify any domestic or international evidence that the use of hand held scanners is effective in reducing violent crime. Evidence identified by the Commission in fact indicates 'stop and search' powers without reasonable suspicion or any form of targeted

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<sup>1</sup> *Human Rights Act 2019* (Qld) s13.

<sup>2</sup> Statement of Compatibility, Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) 7.

approach are not effective in reducing crime.<sup>3</sup> This means the limitations placed on human rights by the Bill, which provides for the broad, unfettered use of hand held scanners, are unlikely to be justified.

- While the government has produced data showing that hand held scanning has resulted in the detection of knives and weapons (with a 0.8 per cent success rate), this is not an indicator of success. The substantial limits placed on human rights by the expansion of 'Jack's Law' powers have been justified on the basis that the powers will minimise the risk of physical harm as a result of knife crime. In order to demonstrate that the limits are justified, the government must demonstrate that the use of hand held scanners without warrant or reasonable suspicion is effective in reducing violent crime involving knives or weapons. The government has not done so.
- Even if the government can produce evidence of the effectiveness of the use of hand held scanners in reducing violent crime, thereby justifying their extension, the removal of the safeguards for use (including requirements for senior police officer authorisation on the basis of an evidentiary and subjective test) and the expansion to public places with senior officer authorisation on the basis that use is likely to detect or detect an offence, will likely render the Bill incompatible with human rights. This is because the government has not demonstrated that the current, less restrictive options of applying the test and restricting use of hand held scanners to prescribed places are not reasonably available and achieve the purpose. The government is unlikely to be able to demonstrate this, noting the evidence has indicated that targeted use of stop and search powers is more likely to be effective in identifying weapons than non-targeted approaches.<sup>4</sup>
- The Commission is also concerned that:
  - The expanded use of hand held scanners will have a disproportionate impact on minority communities, particularly Aboriginal and Torres Strait Islander communities, leading to further erosion of trust in the police and creating substantial risks for individuals, communities, and the police.

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<sup>3</sup> The UK Inquiry report notes a longitudinal study and a further study of stop and search powers exercised without reasonable suspicion found no impact on violent crime. The report further notes that although the inquiry identified some United States research which suggests an impact on crime, any such impact was likely to be 'small, highly localised and short-lived'. Home Affairs Committee, House of Commons, United Kingdom, 'The Macpherson Report: Twenty-two years on' (Third report of Session 2021-22, 30 July 2021)105.

<sup>4</sup> The evidence demonstrates that 'stop and search' tends to be less productive the more often the power is used, and further that no-suspicion searches are less successful than reasonable grounds searches. For example, in the United Kingdom reasonable grounds searches conducted in 1999/2000 typically yielded between 15 and 20 per cent arrests compared with 5 per cent for no-suspicion searches. Home Affairs Committee, House of Commons, United Kingdom, 'The Macpherson Report: Twenty-two years on' (Third report of Session 2021-22, 30 July 2021)105.

- The expanded use of hand held scanners will have a net widening effect, leading to substantial additional pressures on a criminal justice system that is already at breaking point.

## Recommendations

### 4. The Commission recommends:

- The Commission strongly advises that the Committee recommend to parliament that the Bill not be passed and any amendments to make Jack's Law permanent be delayed pending a further independent review of efficacy in deterring knife crime. **(RECOMMENDATION 1)**
  - The further review of the efficacy of Jack's Law powers should expressly consider the appropriateness of Jack's Law powers in light of the findings of the recent *Commission of Inquiry into the Queensland Police Service responses to domestic and family violence (Commission of Inquiry into the QPS)* that sexism, misogyny, and racism remain a significant problem within the QPS. **(RECOMMENDATION 1A)**
- If the proposed amendments are progressed, the government must ensure data collected in relation to the use of hand held scanners (per section 808C of the *Police Powers and Responsibilities Act 2000 (PPRA)*) is broken down by age, gender, disability, and ethnicity including Aboriginal and/or Torres Strait Islander status. **(RECOMMENDATION 2)**
- The Queensland Police Service (**QPS**) should ensure updates are made to relevant policies, and training is provided to officers to ensure QPRIME data better reflects police interactions with Aboriginal and Torres Strait Islander persons, as well as other minority communities. **(RECOMMENDATION 3)**
- The requirement for senior police officer authorisation prior to use of hand held scanners in prescribed places should be retained. **(RECOMMENDATION 4)**
  - At a minimum, police officers using hand held scanners should be required to consider both the evidentiary and subjective tests in section 39C of the PPRA. **(RECOMMENDATION 4A)**
- Jack's Law should not be expanded to permit the use of hand held scanners in public places. **(RECOMMENDATION 5)**
  - If expansion to public places proceeds, at a minimum, any authorisation of the use of hand held scanners in public places by a senior police officer should remain subject to the evidentiary and subjective tests in section 39C PPRA. **(RECOMMENDATION 5A)**

- The Commission suggests that instead of ceasing to provide notices to occupiers of relevant businesses, to persons scanned, and publishing notices on the QPS website, the QPS should consider more efficient means of providing notices. (**RECOMMENDATION 6**)
- The QPS should ensure the QPS annual report includes information about:
  - the number of people required to submit to the use of hand held scanners (including without authority in a prescribed place)
  - the number of knives or other weapons detected using hand held scanners (including without authority in a prescribed place)
  - the number of times a power to search a person without a warrant was exercised under chapter 2, part 2, division 2 of the PPRA as a result of the use of hand held scanners under the authorities (including without authority in a prescribed place)
  - the number and type of charges made against persons as a result of the use of hand held scanners under the authorities. (**RECOMMENDATION 7**)

## Background

5. In May 2021, the *Youth Justice and Other Legislation Amendment Act 2021* (**the 2021 Act**) authorised a two-year trial allowing police officers to use hand held scanners to detect people carrying knives within the Surfers Paradise and Broadbeach 'Safe Night Precincts' (SNPs). No warrant or reasonable suspicion by the police officer was required, and a senior police officer was permitted to authorise use of a hand held scanner for 12-hour periods.
6. In April 2023, the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (**the 2023 Act**) extended the trial to 30 April 2025 and significantly increased the areas in which hand held scanners could be used to include all 15 SNPs in Queensland, public transport stations, and public transport vehicles. To ensure the hand held scanners were used appropriately in these expanded locations, the Act required that a senior police officer consider two tests – the evidentiary test and the subjective test – prior to authorising use of hand held scanners.
  - The evidentiary test requires the senior police officer to determine if any of the following happened in the previous 6 months at the relevant place:
    - at least one offence was committed by a person armed with a knife or other weapon
    - at least one 7-year imprisonment offence against the Criminal Code involving violence against a person was committed

- more than one offence against the *Weapons Act 1990*, section 50(1) or 51(1) was committed.<sup>5</sup>
  - The subjective test requires the senior officer to consider:
    - whether use of a hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon
    - the effect the use of hand held scanners may have on lawful activity at the relevant place
    - if the use of hand held scanners has previously been authorised for the relevant place, whether the use of hand held scanners under the authority identified persons carrying knives or other weapons.<sup>6</sup>
7. In August 2024, the *Queensland Community Safety Act 2024* (**the 2024 Act**) further extended the trial to 30 October 2026 and significantly expanded the places in which hand held scanners can be used to include to include:
- a stated safe night precinct
  - a stated public transport station and public transport vehicles travelling to and from the station
  - trains or light rail vehicles travelling on a stated rail line and public stations along the line
  - stated licensed premises
  - stated retail premises
  - stated shopping centres
  - a stated sported or entertainment venue.<sup>7</sup>
8. The requirement for senior officer authorisation on the basis of the evidentiary and subjective was retained. However, the subjective test was expanded to require that for a licensed premises, the senior police office must have a reasonable ground to believe a relevant offence may be committed again at the premises in the next 6 months and for retail premises, shopping centres, and sporting or entertainment venues, the premises must be ordinarily open for business between midnight and 5am; or in the previous 6 months, at least 2 offences were committed at the premises by a person armed with a knife or other weapon.<sup>8</sup>
9. The current Bill proposes:

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<sup>5</sup> *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (Qld) s 4.

<sup>6</sup> *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (Qld) s 4.

<sup>7</sup> *Queensland Community Safety Act 2024* (Qld) s 30(1).

<sup>8</sup> *Queensland Community Safety Act 2024* (Qld) s 30(2).



- to make Jack's Law (i.e. the ability to use hand held scanners) permanent
- to no longer require that a senior police officer authorise, on the basis of the evidentiary and subjective tests, the use of hand held scanners in prescribed places
- to allow hand held scanners to be used in public places (broadly defined) with senior officer authorisation for up to 12 hours, where the senior officer is satisfied the use of a hand held scanner will detect or deter offences involving a knife or weapon
- to permit a police officer to continue to use a hand held scanner even when the person subject to the scanner leaves the place
- to remove a number of notification requirements including for:
  - police to notify a manager or occupier of a licensed premises, shopping centre, or sport or entertainment venue prior to using hand held scanners
  - police to offer a written notice to individuals subject to hand held scanning states that the person is in a prescribed place; police are empowered to scan; and it is an offence not to comply without reasonable excuse; and
  - the Commissioner of Police to publish notices about the use of hand held devices on the QPS website.

## Human rights impacts

10. Providing police with the power to stop a person and require that they submit to the use of a hand held scanner without a warrant or reasonable suspicion places a significant limitation on human rights, including the following rights protected by the Human Rights Act:

- equality before the law (section 15(3))
- liberty and security of person (section 29)
- freedom of movement (section 19)
- right to privacy (section 25)
- property rights (section 24)
- right to protection of families and children (section 26).

11. It is also contrary to the common law principle that a person may only be subjected to a search where there is reasonable suspicion.<sup>9</sup>

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<sup>9</sup> See for example: *Ghani v Jones* [1970] 1 QB 69. Also reflected in *Police Powers and Responsibilities Act 2000* (Qld) ss 29–30.

# Insufficient evidence of the effectiveness of hand held scanners – making Jack’s Law permanent

## Griffith University trial evaluation

12. In 2022, the Griffith Criminology Institute undertook a review of the operation of Jack’s Law over a 12-month period (**the Griffith review**).<sup>10</sup> The Griffith review found while there was increased detection in one site only, there was no drop in violent crime during the trial period.
13. The review was unable to draw conclusions about any deterrent effect due to the length of the trial and therefore recommended a longer term follow up review to better assess the effectiveness of Jacks Law.<sup>11</sup> Despite this recommendation, no further assessment of the trial of Jack’s Law has been conducted.

## Domestic and international evidence

14. The Statement of Compatibility for the Bill states that between 3 April 2023 and 12 March 2025 (almost two years) 1,043 weapons were located following 102,266 scans.<sup>12</sup> This resulted in 841 charges under the *Weapons Act 1990*.<sup>13</sup> This means the use of hand held scanners had a 0.8 per cent success rate.
15. The success rate of similar powers in the United Kingdom (stop and search without reasonable suspicion) has been similarly limited. For example, between 2009/10 and 2019/20 the ‘find rate’ for no-suspicion searches was typically between 1 per cent and 3 per cent.<sup>14</sup>
16. Irrespective of these disappointing results, the number of ‘finds’ or charges is not an appropriate indicator of success. The substantial limits placed on human rights by the expansion of Jack’s Law powers have been justified on the basis that the powers will reduce the risk of physical harm as a result of knife crime. In order to demonstrate that the limits are justified, the government must demonstrate that the use of hand held scanners without warrant or reasonable suspicion is effective in reducing knife crime.
17. The government has not produced any evidence of this. Despite the introduction of Jack’s Law powers in 2021 and their substantial expansion since then, the

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<sup>10</sup> Janet Ransley et al, ‘Report into stop and search’ (Review, Griffith Criminology Institute, Griffith University, August 2022).

<sup>11</sup> Janet Ransley et al, ‘Report into stop and search’ (Review, Griffith Criminology Institute, Griffith University, August 2022) iv.

<sup>12</sup> Statement of Compatibility, Police Powers and Responsibilities (Making Jack’s Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) 8.

<sup>13</sup> Statement of Compatibility, Police Powers and Responsibilities (Making Jack’s Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) 8.

<sup>14</sup> Home Affairs Committee, House of Commons, United Kingdom, ‘The Macpherson Report: Twenty-two years on’ (Third report of Session 2021-22, 30 July 2021) 104.

Statement of Compatibility for the Bill notes knife crime has increased from 5,895 offences in 2021 to 6,447 in 2024.<sup>15</sup>

18. The Commission has found no evidence that hand held scanning is effective in reducing knife crime in other jurisdictions. To the contrary, a 2021 United Kingdom parliamentary committee inquiry (**the UK Inquiry**) reviewed the evidence in relation to the effectiveness of ‘stop and search’ powers which are exercised without reasonable suspicion (similar to Jack’s Law) – including a ten-year longitudinal study<sup>16</sup> – and concluded that evidence of the effectiveness of the powers in reducing crime was ‘extremely limited’.<sup>17</sup>
19. Given the absence of evidence to demonstrate the effectiveness of Jack’s Law powers in reducing violent knife crime, the Commission considers that the Bill, which facilitates expanded, non-targeted use of these powers is unlikely to be compatible with human rights.
20. The Commission strongly recommends that any amendments to make Jack’s Law permanent be delayed pending a further independent review of efficacy in deterring knife crime. (**RECOMMENDATION 1**)

## Disproportionate impact of warrantless powers on certain groups

21. The Statement of Compatibility for the Bill states the Jack’s Law amendments ‘are not targeted at any particular person or cohort of persons but have general applicability to any person who is in a public space. As such the proposed amendments should not be interpreted as being discriminatory or inequitable.’<sup>18</sup>
22. This statement is misleading. While the amendments do not specifically target particular groups, the decision to scan a particular person is made by individual officers, whose decision may be influenced by bias, which could lead to discrimination and inequitable outcomes.
23. This was observed by the Griffith review, which found hand held scanners had been ‘inconsistently used across different groups in the community’ and there

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<sup>15</sup> Statement of Compatibility, Police Powers and Responsibilities (Making Jack’s Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) 8.

<sup>16</sup> Tiratelli, M., Quinton, P., & Bradford, B. ‘Does Stop and Search Deter Crime? Evidence From Ten Years of Londonwide Data’ (2018) Vol 58(5), *The British Journal of Criminology*, 1212–1231.

<sup>17</sup> Home Affairs Committee, House of Commons, United Kingdom, ‘The Macpherson Report: Twenty-two years on’ (Third report of Session 2021-22, 30 July 2021) 104; The UK Inquiry report notes the longitudinal study and a further study of stop and search powers exercised without reasonable suspicion found no impact on violent crime. The report further notes that although the inquiry identified some United States research which suggests an impact on crime, any such impact was likely to be ‘small, highly localised and short-lived’. Home Affairs Committee, House of Commons, United Kingdom, ‘The Macpherson Report: Twenty-two years on’ (Third report of Session 2021-22, 30 July 2021) 105.

<sup>18</sup> Statement of Compatibility, Police Powers and Responsibilities (Making Jack’s Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) 8.

was 'some evidence of inappropriate use of stereotypes and cultural assumptions by a small number of officers in determining who to select for wandering'.<sup>19</sup> This is also a common finding in jurisdictions that employ these kinds of powers.<sup>20</sup>

24. The dramatic expansion of the use of Jack's Law powers to facilitate use without senior officer authorisation in prescribed places and in public places with authorisation based on limited, subjective considerations substantially increases the risk that these powers will be used to inappropriately target certain groups. This is particularly concerning in light of the recent findings made by the Commission of Inquiry into the QPS that racism, sexism, and misogyny remains a significant problem within the Queensland Police Service.<sup>21</sup>
25. The impact of discrimination and inequitable use of hand held scanners on individuals and communities is likely to be significant. The UK Inquiry found that disproportionate targeting of minority communities for 'stop and search' had led to the erosion of trust in police amongst minority communities.<sup>22</sup>
26. Further erosion of the already tenuous trust in the police service among minority communities in Queensland, particularly Aboriginal and Torres Strait Islander communities, could lead to substantial risks for individuals and police officers, and have a negative impact on public safety. In general, where members of the community '...trust officers to make fair decisions and treat them with respect, they are more likely to see the police as legitimate. Legitimacy, in turn, encourages people to cooperate with the police and not break the law'.<sup>23</sup>
27. While research indicates the presence of police makes certain portions of the community **feel** safer,<sup>24</sup> it is clear that the alienation of parts of the community by the discriminatory use of hand held scanners may, in fact, make it **less safe**.
28. A further review of the efficacy of hand held scanners should expressly consider the appropriateness of the expanded powers in light of the findings of the recent Commission of Inquiry into the QPS. **(RECOMMENDATION 1A)**
29. If the proposed amendments are progressed, the government must ensure the data collected in relation to hand held scanners in line with section 808C of the

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<sup>19</sup> Janet Ransley et al, *Report into stop and search* (Review, Griffith Criminology Institute, Griffith University, August 2022) iv.

<sup>20</sup> See for example: Home Affairs Committee, House of Commons, United Kingdom, 'The Macpherson Report: Twenty-two years on' (Third report of Session 2021-22, 30 July 2021); Jeffrey Fagan, 'No runs, few hits, and many errors: street stops, bias, and proactive policing' (2021) Vol 68 UCLA Law Review 1584.

<sup>21</sup> Queensland, Commission of Inquiry into Queensland Police Service responses to domestic and family violence, *Final Report*, (2022) 18.

<sup>22</sup> Home Affairs Committee, House of Commons, United Kingdom, 'The Macpherson Report: Twenty-two years on' (Third report of Session 2021-22, 30 July 2021)107.

<sup>23</sup> College of Policing, 'Stop and Search', College of Policing (Web Page, 29 September 2017) <<https://www.college.police.uk/app/stop-and-search/stop-and-search>>.

<sup>24</sup> Janet Ransley et al, 'Report into stop and search' (Review, Griffith Criminology Institute, Griffith University, August 2022) 82.

PPRA is broken down by age, gender, disability, and ethnicity including Aboriginal and/or Torres Strait Islander status. (**RECOMMENDATION 2**)

30. The Griffith review found the recording of First Nations status in QPRIME was unreliable. The QPS should ensure updates are made to relevant policies and training to ensure QPRIME data better reflects police interactions with Aboriginal people and Torres Strait Islander people, as well as other minority communities. (**RECOMMENDATION 3**)

## Net widening

31. The use of hand held scanners without warrant or reasonable suspicion has had the effect of ‘widening the net’ and snaring individuals who were not the intended target. In February 2025, the *Brisbane Times* published data showing that in the 2023 to 2024 period hand held scanning led to 2,500 charges, of which just over 400 related to weapons, and almost 1,400 related to drug offences.<sup>25</sup> The adverse impact on individuals who are not carrying knives or weapons in public will increase if the Bill is progressed.
32. The government’s justification for this invasive law is to reduce the harms of knife crime, not to pursue minor offences involving drugs. As noted by the Griffith review:
- ‘...care needs to be taken to ensure that wandering does not lead to a by-passing of reasonable suspicion safeguards, and net-widening among minor offenders who are not carrying weapons, but nevertheless come to police attention purely because of wandering’.<sup>26</sup>
33. The impact of this net widening will be to place more pressure on a criminal justice system that is already at breaking point.

## Removal of safeguards

34. The Bill proposes to remove the requirement that a senior police officer authorises any use of hand held scanners in prescribed places on the basis that they are satisfied of the evidentiary and subjective tests.<sup>27</sup>
35. The evidentiary and subjective tests assist to ensure the limits placed on human rights by the use of handheld scanners are somewhat less restrictive by ensuring use is proportionate (irrespective of the lack of evidence of efficacy) to risk.

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<sup>25</sup> Cloe Read, ‘Extraordinary Power’: Calls for Review of Knife Searches by Qld Police’, *Brisbane Times* (online, 2 February 2025) < <https://www.brisbanetimes.com.au/national/queensland/extraordinary-power-calls-for-review-of-knife-searches-by-qld-police-20250202-p5l8y4.html> >.

<sup>26</sup> Janet Ransley et al, ‘Report into stop and search’ (Review, Griffith Criminology Institute, Griffith University, August 2022) 83.

<sup>27</sup> Police Powers and Responsibilities (Making Jack’s Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) cl 10.

36. Removing the requirement for senior officer authorisation based on the tests would allow police officers broad discretion to use hand held scanners in any prescribed place without prior assessment, including consideration of whether use is proportionate to risk. **This represents a significant erosion of the fundamental rights of Queenslanders who should be free to be in public places without unwarranted and unjustified police interference.**
37. Removing these safeguards raises concerns about potential for misuse. For example, there would be little to prevent a police officer from targeting a member of the public by repeatedly scanning and searching them in a commonly frequented, prescribed place, such as a shopping centre or public transport hub, for reasons unrelated to violent crime. Were this to occur, limited mechanisms are available to challenge the appropriateness of the use of hand held scanners.
38. The statements of compatibility for both the 2023 Act and 2024 Act, which each expanded the places in which hand held scanners are permitted to be used, justified the additional limits placed on human rights by reference to the inclusion of these safeguards (i.e., senior officer authorisation on the basis of the evidentiary and subjective tests).
39. The 2023 Statement of Compatibility states, ‘in recognising [sic] that the scope of the scanning provisions contained in the Bill have been expanded to capture all SNPs, public transport stations, and public transport vehicles, the authorisation requirements in the Bill have been strengthened...’ to include the evidentiary and subjective tests.
40. If it was necessary to include these safeguards to ensure the limitations on rights created by the expanded use of hand held scanners was justifiable in 2023 and 2024, it is incumbent on the government to demonstrate why the removal of those safeguards can now be considered a justifiable limit on rights.
41. To do so, the government must demonstrate that these less restrictive options (i.e. requiring senior officer authorisation on the basis of the tests) are not reasonably available.<sup>28</sup> The government has stated that the less restrictive option is not available because it would not facilitate ‘proactive use’ of hand held scanners.<sup>29</sup>
42. However, the evidence demonstrates that ‘stop and search’ tends to be **less productive** the more often the power is used,<sup>30</sup> and that no-suspicion searches are **less successful** than reasonable grounds searches.<sup>31</sup> In the United Kingdom, reasonable grounds searches conducted in 1999–2000 typically yielded

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<sup>28</sup> *Human Rights Act 2019* (Qld) s13.

<sup>29</sup> Statement of Compatibility, Police Power and Responsibilities (Making Jack’s Law Permanent) Amendment Bill 2025, 7.

<sup>30</sup> Home Office Research, Development and Statistics Directorate, *Assessing the Impact of the Stephen Lawrence Inquiry* (PRS 127, Home Office, 2000) 40, 46.

<sup>31</sup> Home Affairs Committee, House of Commons, United Kingdom, ‘The Macpherson Report: Twenty-two years on’ (Third report of Session 2021-22, 30 July 2021) 104.

between 15 and 20 per cent arrests compared with 5 per cent for no-suspicion searches.<sup>32</sup>

43. Overseas experience shows that where searches are used in a targeted way, they are more likely to be successful.<sup>33</sup>
44. There appears to be no reason why the less restrictive option (of requiring senior officer authorisation on the basis of the tests) is not reasonably available, as it would be likely to be **more** effective than the more restrictive option of removing the safeguards to permit 'proactive' searches.
45. Even in the event the government is able to produce evidence that Jack's Law is effective in deterring violent crime thereby justifying its extension beyond the sunset clause, the removal of any requirement for senior officer authorisation on the basis of the tests is likely to render Jack's Law an unjustified limit on human rights. This is because the extensive nature of the limits on Queenslanders' rights created by the unfettered use of Jack's Law powers in prescribed places is not the least restrictive, reasonably available option to achieve the government's objective.
46. The Commission strongly recommends that the requirement for senior police officer authorisation on the basis of the evidentiary and subjective tests is maintained. **(RECOMMENDATION 4)**
47. In the alternative, the requirement to consider both tests should be retained in the legislation for police officers. **(RECOMMENDATION 4A)**

## Expansion of Jack's Law to public places

48. The Bill proposes to permit the use of hand held scanners in all public places (beyond the currently prescribed places) with senior officer authorisation for up to 12 hours where the officer is satisfied the use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon.<sup>34</sup>
49. The Statement of Compatibility for the 2024 Act identifies the expansion of Jack's Law to public places was considered.<sup>35</sup> Instead, the government elected to proceed with the less restrictive option of limiting the use of hand held scanners to prescribed places with senior officer authorisation.

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<sup>32</sup> Home Office Research, Development and Statistics Directorate, *Assessing the Impact of the Stephen Lawrence Inquiry* (PRS 127, Home Office, 2000) 39.

<sup>33</sup> Home Office Research, Development and Statistics Directorate, *Assessing the Impact of the Stephen Lawrence Inquiry* (PRS 127, Home Office, 2000) 42.

<sup>34</sup> Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (Qld) cl 11.

<sup>35</sup> Statement of Compatibility, Queensland Community Safety Bill 2024 (Qld) 19.

50. As outlined above, in order for the Bill to be compatible with human rights, there must be no less restrictive option that is reasonably available.<sup>36</sup> The government has not demonstrated that the less restrictive option of permitting hand held scanners to be used only in prescribed places is not reasonably available. This is because the evidence indicates stop and search powers are more likely to be effective when used in a targeted way.<sup>37</sup> For example, where searches are targeted at specific areas with recorded high crime levels.<sup>38</sup>

51. Similarly, the Griffith review found:

*There is limited justification for the intrusiveness of wandering in areas without evidence of higher than usual counts of weapons crime. In the future, wandering should only be used in places where the evidence suggests weapons are more likely to be carried.*<sup>39</sup>

52. While there will be a requirement for senior officer authorisation for use of hand held scanners in public places, based on satisfaction that the use of hand held scanners is likely to be effective to detect or deter the commission of an offence, this test is too broad and subjective to ensure use of the powers is proportionate to risk (irrespective of the lack of evidence). In addition, there are limited mechanisms by which the public can challenge an officer's view that the use of the scanners is likely to detect or deter crime.

53. Consequently, the expansion to all public places with senior officer authorisation is unlikely to be compatible with human rights and justifiable under the Human Rights Act.

54. Jack's Law should not be expanded to permit the use of hand held scanners in public places. **(RECOMMENDATION 5)** If expansion proceeds, at a minimum, any authorisation of the use of hand held scanners in public places by a senior police officer should remain subject to the evidentiary and subjective tests. **(RECOMMENDATION 5A)**

## Removal of notification requirements

55. The Bill additionally proposes to improve efficiency by removing a number of notification requirements including:

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<sup>36</sup> *Human Rights Act 2019* (Qld) s13.

<sup>37</sup> College of Policing, 'Stop and Search', College of Policing (Web Page, 29 September 2017) <<https://www.college.police.uk/app/stop-and-search/stop-and-search>>.

<sup>38</sup> Home Office Research, Development and Statistics Directorate, *Assessing the Impact of the Stephen Lawrence Inquiry* (PRS 127, Home Office, 2000) 43.

<sup>39</sup> Janet Ransley et al, 'Review of the Queensland Police Service Wandering Trial' (Review, Griffith Criminology Institute, Griffith University, August 2022), v.



- for police to notify a manager or occupier of a licensed premises, shopping centre, or sport or entertainment venue prior to using hand held scanners
- for police to offer a written notice to individuals subject to hand held scanning stating that the person is in a prescribed place, that police are empowered to scan, and that it is an offence not to comply without reasonable excuse
- for the Commissioner of Police to publish notices about the use of hand held devices on the QPS website.

56. While the Commission recognises the provision and publication of notices creates an administrative burden for the QPS, the notices serve an important fundamental purpose: they alert members of the public to the use of hand held scanners and allow them to understand why they are being used and/or challenge use where appropriate. In some circumstances, this is likely to save the QPS time and resources responding to unfounded challenges.

57. The Commission suggests that instead of ceasing these practices, the QPS considers ways to make providing notices more efficient. For example, including this information on a leaflet that can be easily handed out to relevant occupiers and persons scanned would not be overly burdensome. **(RECOMMENDATION 6)**

58. Based on clause 18 of the Bill, the annual reporting requirements only require the Commissioner of Police to include information about the use of hand held scanners in public places with the authority of a senior officer. No information would be published about the use of hand held scanners without authorisation in a prescribed place.

59. The QPS should ensure the annual report includes information about:

- the number of people required to submit to the use of hand held scanners (including without authority in a prescribed place)
- the number of knives or other weapons detected using hand held scanners (including without authority in a prescribed place)
- the number of times a power to search a person without a warrant was exercised under chapter 2, part 2, division 2 of the PPRA as a result of the use of hand held scanners under the authorities (including without authority in a prescribed place)
- the number and type of charges made against persons as a result of the use of hand held scanners under the authorities (including without authority in a prescribed place). **(RECOMMENDATION 7)**

60. As noted above, the QPS should break this data down based on age, gender, disability, and ethnicity including Aboriginal and/or Torres Strait Islander status. **(RECOMMENDATION 2)**