

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

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<b>Submitted by:</b>	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
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Queensland Aboriginal and Torres Strait Islander  
Child Protection Peak Limited  
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## Introduction

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) welcomes the opportunity to provide feedback on the proposed Police Powers and Responsibilities Amendment Bill ('The Bill').

The effects of knife-related crimes are serious and long-lasting. Jack Beasley and his family's experience is too common across Queensland and needs to be prevented.<sup>1</sup> As the peak body for Youth Justice and Aboriginal and Torres Strait Islander Child Protection in Queensland, QATSICPP supports efforts to reduce and mitigate the impact of knife crime in the community – we don't want children and young people offending. We support the Bill's intent to prevent the knife related offending and promote community safety and security.

Evidence suggests whilst the implementation of Jack's Law has detected significant numbers of knives, it is unclear the degree to which it has contributed to the reduction of knife related crimes.

Notwithstanding our support for legislative efforts to prevent violent crime, QATSICPP has significant concerns about the application of these laws, particularly their potential to have a net-widening effect and the effect of disproportionately impacting Aboriginal and Torres Strait Islander youth. Without appropriate safeguards, the expansion of these powers could lead to unintended consequences that further entrench children and young people in Queensland's criminal justice system.

This submission outlines QATSICPP's key concerns about the Bill as well as recommendations to ensure that any expansion of police powers is accompanied by robust safeguards, transparency, and meaningful partnerships with communities, services and organisations.



## Key Concerns

### Net Widening and Criminalisation of Young People

The intent behind *Jack's Law* was to target knife crime and improve public safety. However, available evidence suggests that wandering (use of hand-held metal detection devices by Queensland Police to detect knives) is bringing a significant number of children and young people into the youth justice system for non-weapon related offences. The Griffith wandering evaluation in 2021/2022 identified that of the 3596 children and young people under 18 wandered during the trial period only 35 were found to be in possession of a dangerous weapon. Data from the Queensland Police Service (for all persons) shows that across two locations during the trial, 36 percent of charges resulting from wandering were weapon related, 52.7 percent were drug related, with the remainder public order and assault offences.<sup>2</sup> This finding, that more drug related offences were being detected with handheld scanners, has been echoed in recent media reports based on freedom of information requests about the use of Jack's Law.<sup>3</sup> It would seem that because Jack's Law does not require police to have 'reasonable suspicion' before undertaking wandering (instead allowing officers to wand individuals solely on the basis of the previous prevalence of knife crime in the location they are present in), the law's application significantly increases the rate at which police are detecting all offences, not just possession of dangerous weapons. As stated by a police officer in the Griffith University trial evaluation:

*We find other offences being committed, such as possession of a dangerous drug and there's been lots of those, people wanted on warrants, people wanted for questioning about domestic violence matters – a whole range of other offences being committed which actually exceed the number of offences that we're detecting for the knives. So that's been one of the real benefits, because we are able to engage with people in such a manner that you know reasonable suspicion isn't required and because we're engaging with them around the knives it's just a lot of offences flow off the back of that and the way we're going about that.*

A range of research warns against the unnecessary involvement of children and young people in justice systems and how this can often increase their likelihood of future offending.<sup>4</sup> QATSICPP is concerned that without appropriate safeguards in place wandering could lead to unnecessary criminalisation of individuals for minor offences rather than effectively addressing knife crime. The Griffith University review of the wandering trial found no clear evidence that these powers reduce knife crime, but instead identified increased detection of minor, non-weapon-related offences and gaps in police accountability.<sup>5</sup> Further research by Bond University has questioned whether the use of handheld scanners is a 'magic wand' for knife crime and warned against the "the hazards of a growth in warrantless police powers that do not require any suspicion."<sup>6</sup> In the United Kingdom, an independent review of data from 10 years about police 'Stop and Search' police powers (similarly focused on weapons detection) found the effect of stop and search on crime is "likely to be marginal, at best". The research found "some association between stop and search and crime (particularly drug crime) but concluded that the use of the powers has relatively little deterrent effect."<sup>7</sup>

The First Nations Justice Office (FNJO) has highlighted unnecessary criminalisation as a systemic issue that disproportionately affects Aboriginal and Torres Strait Islander children and young people. Many Aboriginal and Torres Strait Islander children and young people experience early and repeated contact with police, often as a result of systemic failures in education, mental health, and family support services.<sup>8</sup> Criminalising children and young people for minor infractions only serves to entrench them in the justice system.<sup>9</sup>

The expansion of these powers without proper guidance could exacerbate negative unintended consequences, including;



- net widening which could have a counterinitiative impact on the Queensland Government's commitment to a gold class early intervention system. Children are less likely to engage in reoffending behaviours if system responses prioritise maximum diversion and minimal intervention. The earlier age a child receives a court sentence the more likely they are to reoffend, reoffend violently and continue their offending into adulthood.<sup>10</sup>
- drawing in increased numbers of children and young people into the youth justice system risks exacerbating Queensland's current youth detention capacity issues and potential increased use of adult watchhouses for children.

### Concerns Over Police Discretion

A concern raised in both the Griffith University review and a submission by the Aboriginal and Torres Strait Islander Legal Service (ATSILS) to a 2023 legislative review of Jack's Law is the high level of police discretion involved in wandering searches.<sup>11</sup> Officers currently have broad authority to conduct searches without requiring reasonable suspicion, raising concerns about inconsistent application of these powers.

Legal experts, such as ATSILS, have repeatedly opposed *Jack's Law*, warning that police use wandering as a pretext to stop individuals for non-weapon-related offences.<sup>12</sup> The Bill proposes to remove a number of current safeguards in Jack's Law, including the requirement for senior officer authorisation and for information about their rights to be issued to people being wandered upon their request. **QATSICPP opposes these aspects of the Bill as we are concerned removing these safeguards increases risks of unintended consequences** in the application of Jack's Law (e.g. criminalisation of children and young people). These concerns are further compounded by the lack of independent oversight and insufficient data collection on those subjected to wandering. Without comprehensive monitoring, it is difficult to assess whether these powers are being used in a targeted way to reduce violent crime.<sup>13</sup>

Additionally, there is no clear process for accountability when police officers misuse wandering powers. The existing internal disciplinary measures are insufficient, and there are no enforceable legal safeguards preventing police from applying wandering arbitrarily. Strengthening oversight mechanisms and implementing clear, legally binding guidelines on the use of wandering powers is essential to ensure transparency and fairness in their application.

### Recommendations for Reform

In light of these concerns, we urge the Queensland Government to adopt the following recommendations to ensure that wandering powers are effective in meeting their objectives and do not unnecessarily lead to an influx of children and young people into the youth justice system who could be more effectively supported in the community.

#### 1. Adopt a diversionary approach to minor offences detected through wandering

The Bill should be amended to explicitly state that wandering powers must not be used to pursue minor, non-weapon-related offences. The original intent of these powers was to detect and deter the unlawful possession of knives in designated areas; however, evidence suggests that wandering is frequently being used as a pretext to search for other offences, including minor drug possession and public nuisance violations.<sup>14</sup>

To prevent further unnecessary criminalisation of children and young people, police officers should be required to apply diversionary measures rather than escalating minor infractions into criminal charges. Diversionary responses, particularly for children and young people, have been shown to reduce recidivism and provide better long-term community safety outcomes.<sup>15</sup>



Implementing diversion programs and restorative justice approaches has been shown to be more effective in reducing reoffending rates and supporting positive youth development. For instance, a trial program in Victoria, that issued cautions and diversions to first-time teenage offenders resulted in a significant reduction in reoffending rates—from 54.7% to 30.5%—compared to traditional punitive measures.<sup>16</sup>

To further safeguard against unwarranted criminalisation, the Bill should explicitly prescribe that for specific low-level offences detected during wandering police would be required to consider cautioning a child or young person or referring them to a restorative justice program before proceeding to press charges for the alleged offence. This would align with best-practice youth justice approaches that prioritise rehabilitation and harm reduction over punitive responses.<sup>17</sup>

Additionally, clear operational guidelines must be introduced to prevent police from misusing wandering as a justification for broader searches. Without such provisions, these powers risk being misapplied in ways that current data suggests would disproportionately impact Aboriginal and Torres Strait Islander children and young people.<sup>18</sup> This amendment would ensure that wandering remains narrowly focused on weapons detection, as originally intended, rather than serving as a general tool for expanding police discretion.

## **2. Limit Wandering to High-Risk Areas**

QATSICPP recommends wandering should only be used in areas with proven, higher-than-usual rates of weapons offences.<sup>19</sup> The expansion of these powers should not occur without clear evidence that they will be applied strategically and effectively, rather than being used arbitrarily in public spaces.

Where wandering is used, it should be conducted in partnership with community organisations delivering diversion programs, restorative justice and early intervention approaches, to maximise opportunities for timely interventions to provide children and young people the support they need to prevent further progression through the youth justice system.

## **3. Limit Wandering to those reasonably suspected of carrying weapons**

QATSICPP understands that Jacks Law being restricted to locations where knife crime had previously been detected may have been impractical for police in some circumstances and perceived as generally at odds with general principles of deterrence. However, in expanding the scope and discretionary application of Jack's Law the Bill should explicitly state that persons merely occupying a location where wandering happens to be occurring should not be subjected to wandering on that basis alone. That is, per existing Police Powers and Responsibilities Act 2000 (PPRA) principles, an officer must have a reasonable belief, based on specific and articulable facts, that a person to be subjected to wandering is carrying a weapon. The context of an officer's suspicion for conducting wandering should continue to be recorded by the officers regardless of whether a weapon is detected, or whether formal charges are made. Further, in order to better effect application of an officer's discretion for children, we recommend explicit reference be made to the PPRA Division 7 s380 2(a) 2(b) and 3 as principles relevant to apply in the application of wandering powers.<sup>20</sup>

## **4. Improve Officer Training in use of wands**

The Griffith University wandering trial review highlighted that officer training must be improved to prevent decision-making based on stereotypes.<sup>21</sup> QATSICPP recommends that:

- Mandatory cultural competency training developed in consultation with Aboriginal and Torres Strait Islander organisations be rolled out across the state for all officers exercising wandering powers.



- Training be regularly reviewed and assessed to ensure that officers understand their obligations under anti-discrimination law in the application of wandering powers.

## 5. Ongoing Independent Review and Community Consultation

As well as expected benefits, available data to date suggests the widespread use of wandering is also likely to boost the numbers of children and young people not carrying knives who come into contact with the youth justice system, heightening the risk of unnecessary criminalisation. Furthermore, there is a significant risk that the practice of allowing police to conduct wandering anywhere at anytime without sufficient independent oversight, may result in increased racial profiling of Aboriginal and Torres Strait Islander children and other cultural groups. An independent review of similar Stop and Search powers in the UK found that found disparities in stop and search rates by ethnicity demonstrated racial stereotyping by the police; echoing a finding of the Griffith wandering trial review here in Queensland.<sup>22</sup>

To mitigate against unintended consequences, the Queensland Government should work with QATSI CPP and other stakeholders to design and deliver a robust evaluation strategy to accompany the implementation of Jack's Law. Such a strategy should include;

- **An independent review of Jack's Law one year after implementation** to determine the impacts of the legislation and its success in achieving intended impacts. Jack's Law will be significantly expanded in the wake of this Bill and has not been independently evaluated since the Griffith Review in 2021/2022, despite previous government commitments to another independent review prior to any expansion of Jack's Law .
- **Independent Parliamentary oversight of wandering powers.** The report arising from the independent review outlined above should be tabled in Queensland Parliament and data on the use of wandering should be reported annually in Parliament (including the number of wandering searches conducted, broken down by offence type, demographics, and outcomes).
- **Improved data collection.** Recent responses to Questions on Notice in Parliament show significant limitations in the ability to link the use of handheld scanners with resulting charge types.<sup>23</sup> Further to the reporting requirements for the Queensland Police Service outlined on page 4 of the Bill's explanatory note, police officers should be required to document and report any use of wandering powers, including details of the individual(s) involved (including cultural identity), the reason for the search and the outcome.<sup>24</sup> This data is critical to understanding whether the law is working as intended and what future legislative improvements to the legislation may look like.

Underpinning the above, QATSI CPP recommends the Queensland Government engage in ongoing conversations with Aboriginal and Torres Strait Islander organisations, legal advocacy groups and other critical stakeholders throughout the ongoing implementation and monitoring of the law's impact. QATSI CPP also welcomes the Queensland Government to seek advice and perspective from our Youth Justice Sector Strategic Advisory Group.

QATSI CPP believes that expanding police powers without these safeguards will increase the risk of negative unintended consequences from this legislation, including net widening effects and the criminalisation of larger numbers of young people.

## Conclusion

QATSI CPP strongly urges the Queensland Government to consider amendments to aspects of Jack's Law before the legislation becomes permanent in Queensland. While we acknowledge the importance and share in our collective commitment to community safety, any legislative changes





must be evidence-based, transparent, and not disproportionately impact children and young people, particularly Aboriginal and Torres Strait Islander children and young people.

QATSICPP remains committed to working with the Queensland Government to develop just and effective policies that enhance community safety while upholding the rights of all children and young people.

Please contact QATSICPP on the below contact details for further information about this submission.

Helena Wright | Deputy Chief Executive Officer,  
Policy and Strategy  
Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited  
helenawright@qatsicpp.com.au

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<sup>1</sup> <https://www.thepremier.qld.gov.au/qld-government-marks-major-milestone-for-jacks-law.aspx>; <https://research.bond.edu.au/en/publications/a-magic-wand-an-analysis-of-jacks-law-and-the-impact-on-knife-cri>; <https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wandering-trial/>

<sup>2</sup> <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5722t1863/5722t1863-952d.pdf>

<sup>3</sup> <https://www.brisbanetimes.com.au/national/queensland/extraordinary-power-calls-for-review-of-knife-searches-by-qld-police-20250202-p5l8y4.html>

<sup>4</sup> <https://espace.library.uq.edu.au/view/UQ:55d7b70>; [https://www.aic.gov.au/sites/default/files/2020-09/ti605\\_youth\\_justice\\_in\\_australia.pdf](https://www.aic.gov.au/sites/default/files/2020-09/ti605_youth_justice_in_australia.pdf)

<sup>5</sup> Mazerolle, L., Martin, P., Thompson, C., & Wyatt, M. (2022). *Review of the Queensland Police Service wandering trial*. Griffith University. Retrieved from <https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wandering-trial/>

<sup>6</sup> <https://research.bond.edu.au/en/publications/a-magic-wand-an-analysis-of-jacks-law-and-the-impact-on-knife-cri>

<sup>7</sup> <https://academic.oup.com/bjc/article-abstract/58/5/1212/4827589?redirectedFrom=fulltext>

<sup>8</sup> <https://www.justice.qld.gov.au/about-us/services/first-nations-justice-office/priorities/better-justice-together-strategy>

<sup>9</sup> Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP). (2024). *Hearing the voices of Aboriginal and Torres Strait Islander children and young people in the First Nations Justice Strategy*. Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited. Retrieved from [QATSICPP website](https://qatsicpp.com.au)

<sup>10</sup> [https://www.aic.gov.au/sites/default/files/2024-01/crg\\_41\\_20\\_21\\_children\\_aged\\_10\\_to\\_13\\_in\\_the\\_justice\\_system.pdf](https://www.aic.gov.au/sites/default/files/2024-01/crg_41_20_21_children_aged_10_to_13_in_the_justice_system.pdf)

<sup>11</sup> <https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wandering-trial-Submission-2023-Police-Powers-and-Responsibilities-Jacks-Law-Amendment-Bill-2022.pdf>

<sup>12</sup> Aboriginal and Torres Strait Islander Legal Service (ATSILS). (2023). *Submission on the Police Powers and Responsibilities (Jack's Law Amendment) Bill 2022*. ATSILS. Retrieved from <https://atsils.org.au/wp-content/uploads/2023/07/Submission-2023-Police-Powers-and-Responsibilities-Jacks-Law-Amendment-Bill-2022.pdf>

<sup>13</sup> Queensland Parliament. (2023). *Submission to the Community Safety and Legal Affairs Committee on Police Powers and Responsibilities (Jack's Law Amendment Bill 2022)*. Retrieved from <https://documents.parliament.qld.gov.au/com/CSSC-0A12/PPRJLAB202-D76A/submissions/00000005.pdf>

<sup>14</sup> Queensland Government. (2024). *Data on police wandering operations and criminal charges*. Queensland Police Service. Retrieved from <https://documents.parliament.qld.gov.au/com/CSLAC-40FE/QCSB2024-F5ED/submissions/00000141.pdf>

<sup>15</sup> Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP). (2024). *Youth Justice Select Committee Submission*. Retrieved from [QATSICPP website](https://qatsicpp.com.au)

<sup>16</sup> Allan backs 'caution and divert' strategy for rogue teens. (2025, March 6). *The Australian*. Retrieved from <https://www.theaustralian.com.au/nation/allan-backs-caution-and-divert-strategy-for-rogue-teens/news-story/1c396d024abd81f516571cfa64f220faThe Australian>





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- <sup>21</sup> Ibid
- <sup>22</sup> <https://commonslibrary.parliament.uk/research-briefings/cdp-2025-0057/122-2025.pdf>
- <sup>23</sup> [122-2025.pdf](#)
- <sup>24</sup> <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0291/5825t291.pdf>

