

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

Submission No:	11
Submitted by:	Queensland Council of Social Service
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

15 April 2025

Justice, Integrity and Community Safety Committee
Parliament House
George St
Brisbane Qld 4000

Submitted via web-portal

Dear Committee Members

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

Thank you for the opportunity to provide feedback in relation to the above.

About QCOSS

Queensland Council of Social Service (QCOSS) is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

QCOSS' position

This submission is limited to aspects of the Bill regarding the use of hand held scanners without a warrant. QCOSS appreciates the intent to detect the unlawful possession of knives in public places. However, the negative impacts that can arise due to scanning operations must be more carefully considered. Before any legislative changes are pursued regarding the use of hand held scanners without a warrant, there is a clear need for further independent review of the relevant laws, as well as further consultation.

QCOSS co-ordinates Queensland's Raise the Age campaign, we also have members delivering youth justice related services and others working directly with children and young people who may otherwise be impacted by the proposed legislation. While scanning operations can apply to both adults and young people, this submission primarily focuses on how the Bill will impact children and young people.

In developing this submission, QCOSS has drawn upon our ongoing research and engagement with members of the community service sector and other stakeholders who have a deep understanding of best practice in supporting young people and their families. Our sector delivers community-based services and supports that have resulted in improvements to the wellbeing of young people and reduced offending behaviour by dealing with the root cause of crime.

Further review and consultation is needed

Part 3A of the *Police Powers and Responsibilities Act 2000* (Qld) ('the PPRA') enables a trial for the use of hand held scanners without a warrant in particular places ('the Trial'). The Trial was first introduced into legislation in 2021,¹ and only applied to the Surfer's Paradise and Broadbeach Safe Night Precincts. Early data from the Trial was evaluated in the *Youth Justice Reforms Review* that was led by Bob Atkinson AO.²

¹ *Youth Justice and Other Legislation Amendment Act 2021* (Qld).

² State of Queensland. (2022). *Youth Justice Reforms Review Final Report*.

<https://www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/reforms-review>



That iteration of the Trial was also reviewed in further detail by the Griffith Criminology Institute. Their Report, *Review of the Queensland Police Service Wandering Trial* ('the Griffith Criminology Institute Report') was finalised in August 2022 and tabled in Parliament in late 2022.³

Part 3A of the PPRA was then amended twice, primarily to expand the Trial.^{4,5} The need for further reviews of the Trial was consistently raised throughout those legislative processes. The Queensland Parliamentary Community Support and Services Committee recommended further evaluation when they reviewed the Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022.⁶ This recommendation was supported by the Queensland Government.⁷

Most recently, the *Queensland Community Safety Act 2024* (Qld) again expanded the application and scope of the Trial and set a new expiration date for the operation of Part 3A of the PPRA. The provisions in Part 3A and other relevant sections of the PPRA were set to expire on 30 October 2026. The explanatory notes accompanying the Queensland Community Safety Bill 2024 (Qld) outlined that this date would allow time to appoint an independent reviewer who is provided sufficient time and data to conduct a meaningful review of the laws as expanded by that Bill.⁸

The Explanatory Notes for the Bill do not refer to a recent independent review of the Trial, nor was there any mention of the appointment of an independent reviewer. An independent reviewer should be appointed, and a comprehensive review should take place before any further legislative amendments are pursued in relation to the Trial. An independent review will enable a more thorough examination of the Trial and a deeper consideration of the Trial's compatibility with human rights.

In addition to an independent review, there is a need for further consultation with community services. Considering the disproportionate impact of the criminal justice system upon Aboriginal and Torres Strait Islander Peoples, consultation should incorporate a particular focus on the perspectives of Aboriginal and Torres Strait Islander Peoples and Community-Controlled organisations. Further consultation should be open and include multiple avenues for participation and engagement. The two-week consultation period to respond to the Bill has not enabled sufficient time to explore complex issues in a comprehensive way.

Concerns on scanning operations

Concerns raised about the use of hand held scanners without a warrant in the Griffith Criminology Institute Report included:

- There was no evidence at that point in time that the scanning operations had any deterrent effect.
- Wandering had been inconsistently used across different groups in the community, noting "...there is some evidence of inappropriate use of stereotypes and cultural assumptions by a small number of officers in determining who to select for wandering."⁹
- "The recording of First Nations status in QPRIME requires attention to ensure that the data better reflects police interactions with Aboriginal and Torres Strait Islander Peoples.

³ Ransley J, Connell N, van Felius M, Walding S. (2022). *Review of the Queensland Police Service Wandering Trial*. Griffith Criminology Institute.

<https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wandering-trial/>

⁴ *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (Qld).

⁵ *Queensland Community Safety Bill 2024* (Qld).

⁶ State of Queensland. (2023). *Report No. 27, 57th Parliament*. Community Support and Services Committee.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t40/5723t40-d0ca.pdf>

⁷ State of Queensland. (2023). *Community Support and Services Committee Report No. 27 on the Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022 Queensland Government Response*.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t396/5723t396-c4ce.pdf>

⁸ State of Queensland. (2024). *Queensland Community Safety Bill 2024* (Qld) Explanatory Notes, p 18.

<https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2024-018>

⁹ Ransley J, Connell N, van Felius M, Walding S. (2022). *Review of the Queensland Police Service Wandering Trial*. Griffith Criminology Institute, iv.

<https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wandering-trial/>

Consideration might also be given to careful recording of Māori and Pasifika status due to the demographic composition of Queensland.”¹⁰

- “Given the increased number of drug detections linked to wandering in Surfers Paradise, 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 practices. The entry of larger numbers of these individuals into formal criminal justice processes could have many adverse flow-on effects.”¹¹

These findings have been consistently echoed by many organisations, including community service organisations, through previous consultation processes regarding the Trial.

In relation to concerns on ‘net-widening’, it would be helpful to understand further details on the non-weapons related charges that have resulted from scanning operations to date. We note that as at February 2025, it was reported that 100,000 individual searches had resulted in more than 4,800 offence charges, about 820 of which were for weapons offences.¹²

The impact of scanning operations upon children is under-explored in the Explanatory Notes and Statement of Compatibility accompanying the Bill. Scanning operations can apply to children, and the impact of this must be further considered.

The Explanatory Notes do not provide details on practices and protocols adopted by the Queensland Police Service specifically in relation to scanning operations affecting children. For example, guidelines on the age of children who may be approached for scanning, considerations on seeking consent from children to be scanned, or requirements and specific safeguards in place in relation to children who are approached for scanning. Further information and independent review of these issues is essential. We hold significant concerns about the potential impacts on children when scanned for weapons by police in public.

Punitive approaches to young people in contact or at risk of contact with the criminal system are not effective. For example, recent research found that children who are sentenced to detention return to some form of youth justice supervision within 12 months of release at astonishingly high rates. The research also found that the younger a child is when they are first sentenced, the more likely they will be to return to youth justice supervision before they turn 18.¹³ Initiatives that result in further criminalisation of young people risk making communities less safe. Community service providers frequently raise concerns that non-punitive and diversionary options for children and young people are generally under-utilised by police. In this regard, it would be helpful to have access to data on the number of times police used their discretion in the course of scanning operations to either issue a caution or take no further action after detecting a weapon or detecting other potential offences such as drug possession.

In light of these concerns, it is our view that the Bill does limit the right of children “...without discrimination, to the protection that is needed by the child, and is in the child’s best interests, because of being a child.”¹⁴ The Statement of Compatibility accompanying the Bill does not explore this limitation upon the rights of children.

Considering the disproportionate impact of the criminal justice system upon Aboriginal and Torres Strait Islander Peoples, we highlight recent observations from the Australian Government Productivity Commission on progress under the National Agreement on Closing the Gap. Following

¹⁰ Ibid.

¹¹ Ibid, v.

¹² Davis W. *Queensland wandering powers here to stay as police reach a major milestone*. February 23, 2025. Brisbane Times

<https://www.brisbanetimes.com.au/national/queensland/qld-wandering-powers-here-to-stay-as-police-reach-a-major-milestone-20250223-p5legg.html>

¹³ Walsh T, Beilby J, Lim P, Cornwell L. (2023). Safety through support: building safer communities by supporting vulnerable children in Queensland’s youth justice system, p 14.

<https://espace.library.uq.edu.au/view/UQ:55d7b70>

¹⁴ *Human Rights Act 2019* (Qld) s 26(2).

the publication of new Closing the Gap data, the Australian Government Productivity Commission outlined:

“In our review of progress towards the National Agreement on Closing the Gap, we found that governments had not taken enough meaningful action to meet their commitments under the Agreement,” said Commissioner Selwyn Button.

“The continued worsening of outcomes we’ve seen in some Closing the Gap target areas shows the importance of governments taking their commitments to the National Agreement seriously, and taking meaningful actions to fully implement the priority reforms.”¹⁵

Given the disproportionate impact of the criminal justice system on Aboriginal and Torres Strait Islander Peoples, the Trial could impede several specific commitments under the National Agreement on Closing the Gap, including targets to reduce incarceration rates of Aboriginal and Torres Strait Islander adults and young people. However, the interaction of the Bill and the Government’s commitments to the National Agreement on Closing the Gap has not been explored in the Explanatory Notes supporting the Bill.

Despite numerous emerging issues, the Explanatory Notes to the Bill do not outline current proposals to address or mitigate those issues. An independent review of the Trial should fully ventilate and explore these (and other) concerns before any further legislative changes are pursued.

Concerns on the proposed removal of current safeguards

Considering the substantial issues that have been raised in relation to the use of hand held scanners without a warrant, QCOSS and our members hold concerns in relation to the proposed removal of existing safeguards. It would be preferable to explore how existing safeguards could be strengthened and explore the implementation of additional safeguards in line with feedback provided on the Trial to date.

Community services have shared concerns on changes to existing authorisation protocols. Concerns have also been raised regarding information notices for people who are subject to scanning. The PPRA currently requires a police officer to offer a person “...a hand held scanner information notice and, if the person accepts the offer, give the notice to the person...” when exercising powers under the Trial.¹⁶ This requirement is not onerous and should not be repealed. Safeguards to ensure people understand their rights when being searched without a warrant should not be limited or removed.

Conclusion

Before any further legislative amendments are pursued in relation to the Trial, further consultation and independent review is essential. Significant concerns highlighting negative impacts of the Trial have emerged that must be considered and addressed more carefully. There are additional concerns on proposals to remove existing safeguards.

Thank you again for the opportunity to provide our submission.

Yours sincerely



Aimee McVeigh
Chief Executive Officer

¹⁵ Australian Government. (2024). *New Closing the Gap data shows focus on Priority Reforms by governments needed to see real improvement*. Productivity Commission. Accessed March 14, 2025.

¹⁶ <https://www.pc.gov.au/media-speeches/media-releases/2025/new-closing-the-gap-data-march-2025>
Police Powers and Responsibilities Act 2000 (Qld) s 39H(4)(e).