

15 April 2025

Our ref: [LP:ChLC:CLC]

Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

By email: [REDACTED]

Dear Committee Secretary,

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

Thank you for the opportunity to provide feedback on the *Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (Bill)*. The Queensland Law Society (**the Society**) appreciates being consulted on this important piece of legislation.

As you are aware, the Society is the peak professional body for the State's legal practitioners. We are an independent, apolitical representative body that promotes good, evidence-based law and policy. We represent and promote over 13,000 legal professionals across the State and aim to support community understanding of the law and advise government on improvements to laws and opportunities to enhance access to justice.

At the outset, the Society acknowledges that the safety of the community is of paramount importance. The Society supports evidence-based reforms that are designed to enhance community safety while preserving the fundamental principles of the rule of law. It is critical that law reform achieve a fair and balanced approach, ensuring justice and equality before the law while addressing the pressing concerns of public safety.

This response has been prepared with the assistance of the Society's Childrens Law Committee and Criminal Law Committee, whose members have substantial expertise in this area.

The Society recommends that the Bill as currently drafted should not proceed.

Comments

Proper evaluation process required.

As you are aware, the Society advocates for evidence-based law reform that is informed by thorough analysis, wide-ranging stakeholder consultation, and critical review of all available data, including but not limited to pilot evaluation studies. This approach ensures that legislative changes are not only well-founded but also sustainable and capable of delivering equitable outcomes in practice.

The Society is concerned that the trial of the use of scanners permitting police to conduct searches without a warrant has not been subject to proper evaluation. The trial is not due to expire until 30 October 2026. It is submitted that there is sufficient time available for a proper evaluation. Given the importance of balancing community safety concerns with the rights of individuals it is submitted that a proper evaluation should be commissioned prior to any changes to the law.

Human rights infringements

The expansion of the use of scanners to all public spaces constitutes a major infringement of the human rights and freedoms of ordinary people going about their lives. The increase in police powers that is being proposed will be a significant infringement on the right of persons to walk freely in public spaces. Furthermore, the Bill proposes to remove the existing safeguards that were in place.

Effectiveness

The Griffith Criminology Institute report into the Review of Queensland Police Service Wandering Trial indicated that hand held scanner searches did not lead to a decrease in violent offending¹. The study did however highlight that scanning had been inconsistently used across different groups in the community and there was some evidence of the inappropriate use of stereotypes and culture assumptions². Where the use of these types of police search powers is perceived to be unfair or disrespectful, it can have damaging unintended consequences. These may include lower levels of trust in police, reduced legitimacy of the police, and people being less willing to cooperate with police³.

Expansion of powers to enable a senior officers to authorise hand held scanning in all public places

The expansion of the law to enable scanning in all public places constitutes a significant increase in police powers. Without having had a proper evaluation of the trial in relevant places an expansion should not be considered at this time. The process of scanning involves police having the power to detain any person for the purposes of the search. One of the basic principles of a democratic society is the freedom of movement. This change will restrict the human rights of ordinary persons.

¹ The Griffith Criminology Institute. [Review of the Queensland Police Service Wandering Trial](#). August 2022.

² The Griffith Criminology Institute. [Review of the Queensland Police Service Wandering Trial](#). August 2022.

³ Tiratelli, M., Quinton, P., & Bradford, B. [Does stop and search deter crime? Evidence from ten years of London wide data](#). The British Journal of Criminology, Volume 58 (5), September 2018, Pages 1212 – 1231. Cited in [The Macpherson Report: twenty-one years on](#) at p. 102.

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Removal of senior officer authorisation process for prescribed relevant place

The proposed efficiency measure of allowing a police officer to use a hand held scanner without the need to obtain an authority from a senior police officer may result in unintended consequences. The police use of hand held scanner powers in public spaces increases police interactions with public space users. There is a risk that these interactions will increase further if the need to obtain authority from the senior police officer is removed.

In this context, the Society is particularly concerned about the potential for misuse of police hand held scanner powers. While we understand that the discretion to use hand held scanners must comply with the PPRA, we have received anecdotal evidence suggesting that those powers are not always lawfully exercised. In this regard, we note that Griffith Criminology Institute's review of the scanning trial in 2022 found a number of issues, including that "scanning had been inconsistently used across stereotypes and cultural assumptions ... ". The removal of the need to obtain authority from a senior police officer potentially exacerbates these risks.

Removal of hand held scanner information notice (section 39H(4)(e))

The Bill proposes to omit section 39H(4)(e)) which requires police officers, before conducting a hand held scanner search, to offer the person a hand held scanner information notice. The search notice requirement should not be removed. It affords an additional check and balance on search powers. The retention of this provision in the PPRA Act is also important for record keeping purposes and data collection for the purpose of future evaluation.

Removal of notice of hand held scanner authority to be published

The Society's Criminal Law Committee does not oppose the proposal to remove the requirement for a police officer to issue a handheld scanner information notice on request or to notify a manager or occupiers of licensed premises, retail premises, shopping centres or sporting or entertainment venues of the application of Jack's Law or the requirement for the Commissioner to publish notices.

Reviews of any amendments

- The Bill be amended to include regular review of the operation and effectiveness of the amendments at least every two years after commencement and that this review be conducted by a person independent of the Government and address the following matters:
 - The effectiveness of the new laws in achieving policing objectives
 - The impact of the use of the new laws on communities in expanded locations
 - Public perceptions on how the new laws have been used by the police
 - The effect of the use of the expanded police powers on police-community relations
 - A cost/benefit analysis

Public education about knife crime prevention

The Bill includes an amendment to insert section 39AA to enshrine the overachieving objective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon. The Society supports measures to deter and therefore prevent future offending. However, deterrence is unlikely to be achieved if the public are not appropriately informed of the changes and how and when they will be implemented. This would in turn, help achieve a preventative purpose while avoiding unintended consequences.

The Society acknowledges the Queensland Police Service's efforts in delivering a phased education campaign to end knife crime. The first phase of this campaign was launched on 29 May 2024 and involved retailer engagement and community awareness through radio and social media advertising. The second phase was launched in November 2024 focussed on educating and reassuring the community on the new laws and, according to the QPS's Annual Report 2023 – 2024 the third phase of the campaign includes a behaviour change campaign targeting youth and aiming to raise awareness of the consequences of carrying knives to subsequently influence a change in the behaviour of young people⁴.

The Society supports community education initiatives however observes that the scope of the campaign is orientated towards awareness of knife crime. To give effect to the expanded purpose in new section 39AA of the Bill, the Society and its members consider that the education campaign requires expansion to amplify messaging that will fulfil the objective of deterring young people from carrying knives or weapons.

We consider that a powerful means of enhancing the current communication strategy is to provide targeted messaging to the community about the powers afforded to police to conduct searches, including with hand held scanners and how, when and where this can occur.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Genevieve Dee
President

⁴ Queensland Police Service Annual Report 2023 – 2024 p. 40 [QPS Annual Report 2023-24.pdf](#)