

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

## Explanatory Notes

### Short title

The short title of the Bill is the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025.

### Policy objectives and the reasons for them

The primary policy objective of the Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 (the Bill) is to enhance community safety and security through the expansion of 'Jack's Law' which proactively prevents knife related crime by authorising police officers to use a hand held scanner to detect knives or other weapons in certain places.

This objective will be met by the Bill:

- making Jack's Law permanent by removing the sunset clause that schedules its expiry on 30 October 2026;
- allowing a police officer to use a hand held scanner in a relevant place without the need to obtain an authority to do so from a senior police officer;
- expanding the application of Jack's Law to include public places, that are not relevant places, by allowing police officers to use a hand held scanner in these areas provided they first obtain authority to do so from a senior police officer; and
- improving policing efficiencies by streamlining the legislative framework underlying Jack's Law.

The Bill will also:

- extend the operational period of the *Terrorism (Preventative Detention) Act 2005* (TPD Act) from 16 December 2025 to 16 December 2040;
- amend the *Marine Rescue Queensland Act 2024* (MRQ Act) to clarify Marine Rescue Queensland (MRQ) is a charitable institution in relation to the receiving of a gift, donation, bequest or legacy; and
- amend the *State Emergency Service Act 2024* (SES Act) to confirm that any previous appointment of a person as a State Emergency Service (SES) member is valid.

### Jack's Law

In May 2021, the *Youth Justice and Other Legislation Amendment Act 2021* (the 2021 Act) amended the *Police Powers and Responsibilities Act 2000* (PPRA) to authorise a trial allowing a police officer to use a hand held scanner without a warrant to detect if a person was in possession of a knife within the Surfers Paradise and Broadbeach Safe Night Precincts (SNPs). This trial was held between May 2021 and April 2023.

The 2021 Act allowed a police officer of at least the rank of Inspector or an approved Senior Sergeant (a senior police officer) to authorise a police officer to use a hand held scanner for a period of 12 hours. This authority allowed a police officer in a public place in the prescribed area to, without a warrant, require a person to stop and submit to the use of a hand held scanner to ascertain if the person had a knife. Notably, the 2021 Act did not prescribe particular considerations a senior police officer must have had regard to before making an authorisation.

The Griffith Criminology Institute conducted an independent review (the Griffith Report) of the police powers used in this trial. The Griffith Report was tabled in the Legislative Assembly on 9 November 2022.

In April 2023, the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (the 2023 Act), informed by the Griffith Report, increased the areas where hand held scanners may be used to include all 15 SNPs in Queensland, public transport stations and public transport vehicles and defined these localities as relevant places. This legislative framework was named 'Jack's Law' in honour of Jack Beasley who tragically lost his life as a victim of knife crime.

Although the police powers and safeguards for the exercise of these powers remained the same, the 2023 Act introduced the considerations that were required to be made by the senior police officer in authorising a police officer to use a hand held scanner. The considerations required to be made by the senior police officer fall into two categories, the 'evidentiary test' and the 'subjective test'.

Prior to authorising scanning within a relevant place, the evidentiary test requires a senior police officer to determine if within six months at the relevant place:

- (i) at least one offence was committed by a person armed with a knife or other weapon;
- (ii) at least one seven year imprisonment offence against the Criminal Code involving violence against a person was committed; or
- (iii) more than one offence against the *Weapons Act 1990*, section 50(1) or 51(1) was committed.

Additionally, the senior police officer is required to conduct a subjective test where the officer has to consider:

- (i) if 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; and
- (ii) the effect the use of hand held scanners may have on lawful activity at the relevant place; and
- (iii) 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.

The 2023 Act provided that Jack's Law would expire on 30 April 2025.

On 30 August 2024, the *Queensland Community Safety Act 2024* (the 2024 Act) expanded the areas to be considered as relevant places under Jack's Law to include public places such as shopping centres, retail premises, sporting and entertainment venues, licensed venues and rail lines, and extended the expiry of these provisions to 30 October 2026.

The 2024 Act also expanded the considerations that were required to be made by the senior police officer in authorising a police officer to use a hand held scanner in particular relevant places. While still requiring the senior police officer to conduct the evidentiary and subjective tests, the additional considerations are:

- when a licensed premises is not in a SNP, shopping centre or a sporting or entertainment venue, the senior police officer had to reasonably believe an offence mentioned in s39C(2)(a) of the PPRA would happen again at the premises in the next six months;
- when a retail premises is not in a SNP, shopping centre or sporting or entertainment venue the senior police officer has to also consider whether the premises:
  - (i) is ordinarily open at least two days each week and open for business at a time between midnight and 5am; or
  - (ii) has in the previous six months been the location where at least two offences were committed by a person armed with a knife or other weapon.

Further, the 2024 Act imposed notification requirements on a police officer wishing to use Jack's Law. These requirements included an obligation that before a police officer can use a hand held scanner in a licensed premises, retail premises, shopping centre, or a sporting or entertainment venue, the officer (or another officer) is statutorily required to, if practicable, notify a manager or occupier of these places that a hand held scanner authority is in effect for the relevant place, the time the authority has effect and the powers given to an officer exercising Jack's Law.

Another notification requirement in Jack's Law requires a police officer using a hand held scanner to offer a hand held scanner information notice to the subject person which must state that the person is in a relevant place, the powers the police officer may exercise under Jack's Law and that it is an offence to not comply with a requirement made under Jack's Law without a reasonable excuse.

Jack Law's framework also imposes reporting obligations on the Commissioner requiring:

- the publishing of notice on the Queensland Police Service (QPS) website within 2 months of a senior police officer authorising the use of a hand held scanner which included information about:
  - (i) the day and time the authority started and ended;
  - (ii) the name of the relevant place if it is a SNP, public transport station, railway station or rail line and the address of the relevant place if it is a licensed premises, retail premises, shopping centre, or a sporting or entertainment venue;
  - (iii) considerations made by the senior police officer when conducting the evidentiary and subjective test;
  - (iv) considerations made by the senior police officer when a licensed premises is not in a SNP, shopping centre or a sporting or entertainment venue, to reasonably believe an offence mentioned in s39C(2)(a) of the PPRA would happen again at the premises in the next six months;
  - (v) when a premises is not in a SNP, shopping centre or sporting or entertainment retail venue, the considerations a senior police officer made about the two

- offences or more that were committed at the premises by a person armed with a knife or other weapon in the previous six months; and
- information to be included in the QPS annual report about:
  - (i) the number of hand held scanner authorities issued during the financial year;
  - (ii) the names of the safe night precincts, public transport stations and rail lines, and the addresses of the licensed premises, retail premises, shopping centres and sporting or entertainment venues, for which the authorities were issued;
  - (iii) the number of people who were required to submit to the use of hand held scanners under the authorities;
  - (iv) the number of knives or other weapons that were detected using hand held scanners under the authorities;
  - (v) the number of times a power to search a person without a warrant was exercised under chapter 2, part 2, division 2 as a result of the use of hand held scanners under the authorities; and
  - (vi) the number and type of charges made against persons as a result of the use of hand held scanners under the authorities.

Jack's Law's current legislative framework is restricted to relevant places where offences have occurred within a specific timeframe. This prevents police officers from using hand held scanners where there may be, for example, credible criminal intelligence that knife crime is likely to occur at a particular location.

The Bill provides efficiencies for police by removing the authorising environment in those areas that are captured as relevant places within the existing framework. This provides police with the necessary power to proactively scan, detect and deter the unlawful possession of knives in the community.

The Bill also expands the framework to other public places, that are not relevant places, with authorisation from a senior police officer. Statistics obtained in relation to the number of reported offences involving knives in a public place (excluding relevant places) identified that total offences have increased overall since 2021 from 5,895 offences to 6,447 in 2024. Enabling police officers to use a hand held scanner without authorisation within a relevant place and in other public places with authorisation from a senior police officer will provide significant community safety benefits by deterring and detecting the unlawful possession of knives in the community, and consequently reduce the potential for offences in these areas.

The Bill provides police efficiencies by removing the requirement for a police officer to notify a manager or occupier of a premises prior to the exercise of Jack's Law, or the requirement to provide a notice to those individuals who are being scanned by a hand held scanner. Removing these requirements will address an administrative burden on police that may impede and delay the timely execution of their duties. The requirement for the Commissioner of Police (Police Commissioner) to publish notices about hand held scanner authorities on the QPS website will also be removed, to address duplication of reporting requirements. Importantly, the requirement for the Police Commissioner to provide information regarding hand held scanning authorities in a financial year in an annual report, and safeguards for the exercise of police powers will remain.

#### Extension of the operational period of the *Terrorism (Preventative Detention) Act 2005*

Terrorism continues to be a significant security concern for the Queensland community. Australia's terrorism threat level was raised to 'probable' in 2024, following an assessment that an onshore attack or attack planning is more likely than not to occur in the next 12 months. The Australian Security Intelligence Organisation has publicly stated, 'Australia's security

environment is degrading. It is more volatile and more unpredictable... More Australians are being radicalised and radicalised more quickly'.<sup>1</sup> Individuals are embracing a diverse range of extreme ideologies and are willing to use violence to advance their cause.

The TPD Act is part of a suite of nationally consistent interoperable legislation across Australian jurisdictions. While the Queensland community has been subject to terrorism, an occasion has not yet occurred to cause the TPD Act to be used. However, comparable legislation in other States has been used.

The TPD Act authorises a person to be taken in custody and detained for a short period of time to prevent a terrorist act from occurring in the near future or to preserve evidence of, or relating to, a terrorist act. The TPD Act is essential as the nature of a terrorist threat means that police officers may need to rely on these extraordinary detention powers to allow other investigative methods and policing strategies to be deployed to prevent a future terrorist act or preserve evidence of a recent terrorist attack.

The Bill will extend the operational period of the TPD Act to 16 December 2040, which is an extension of 15 years. Should the TPD Act expire, any orders in force would cease to have effect including preventative detention orders and prohibited contact orders. This has the effect of maintaining public preservation and ensuring the community continues to be protected from an imminent terrorist act or to preserve evidence following a terrorist act. The TPD Act is required to continue to ensure that Queensland maintains its counter-terrorism arrangements which form part of a coordinated national approach set out in the Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements.

#### Clarifying Marine Rescue Queensland as a charitable institution for the purpose of receiving gifts

In 2024, the MRQ Act played a component part in disaster management and emergency service reforms by establishing MRQ as a state-wide marine rescue service for Queensland.

Fundamental to the establishment of MRQ is the voluntary transition of members from two existing volunteer marine rescue organisations, namely the Volunteer Marine Rescue Association of Queensland and the Queensland-based flotillas of the Australian Volunteer Coast Guard Association to MRQ, including through a transfer of their assets.

The MRQ Act allows for this transition by authorising MRQ to raise funds to be used to support MRQ in the performance of its functions and policy has been developed to ensure there is no legal impediment to the transfer of assets to MRQ.

However, a concern has been raised that a transfer of assets to MRQ may not be lawful due to MRQ not being established as a charitable institution. This perceived issue is an obstacle to the successful transition of existing volunteer groups to MRQ and the provision of an integrated marine rescue service along the Queensland coastline.

An amendment to the MRQ Act is required to clarify that MRQ is capable of receiving gifts as a charitable institution, thereby removing any doubt that a gift to MRQ would be properly considered as being made for charitable purposes.

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<sup>1</sup> Mike Burgess, Director-General of Security, Australian Security Intelligence Organisation, at a press conference at Parliament House, Canberra on 5 August 2024 - <https://ministers.ag.gov.au/media-centre/transcripts/press-conference-parliament-house-canberra-05-08-2024>

### Validating the appointment of State Emergency Service members

Recent disaster management and emergency services reforms also transitioned the State Emergency Service (SES) from the responsibility of the Commissioner under the then *Fire and Emergency Services Act 1990* (the then Fire and Emergency Services Commissioner) to the Police Commissioner. This process involved machinery of government changes including legislative amendments such as the commencement of the SES Act.

Before transitioning to the Police Commissioner, the then Fire and Emergency Services Commissioner was authorised to appoint a person as an SES member and delegated that power to the Deputy Commissioner and Assistant Commissioner of the SES. However, SES members were customarily appointed by SES regional directors or managers who held no delegation from the then Fire and Emergency Services Commissioner to do so.

It is arguable that the then Fire and Emergency Services Commissioner may rely on the *Carltona* principle which recognises the capacity of statutory decision makers to act through their agents, to assert that these appointments were valid. Nonetheless, there is no absolute certainty that the appointments of these SES members was valid.

SES members are an essential component of Queensland's emergency services and predominantly provide their invaluable services on a volunteer basis. It is in the public interest that SES members can perform their duties without any concern about the validity of their appointment.

An amendment to the SES Act is required to confirm that any historical appointment of a person as an SES member is valid.

## **Achievement of policy objectives**

### Jack's Law

The Bill will achieve its primary policy objectives by amending Chapter 2, Part 3A of the PPRA to provide an amended legislative framework for the use of hand held scanners in or on relevant places, and other public places and make amendments to improve Jack's Law efficiencies and effectiveness.

The Bill will achieve the purpose to detect or deter the commission of an offence involving the possession or use of a knife or other weapon by enabling police officers to proactively use hand held scanners in or on relevant places, and to use hand held scanners in or on public places, that are not relevant places, with authorisation from a senior police officer. These amendments will enhance community safety and security.

### *Removal of the sunset clause*

The Bill meets a Government commitment to make Jack's Law permanent and endorses the use by police officers of hand held scanners to detect knives and other weapons as a legitimate policing strategy to combat knife related crime.

Between 3 April 2023 and 12 March 2025, 1,043 weapons were located with 102,266 persons scanned through 10,128 authorisations being made by senior police officers. This resulted in 841 charges under the *Weapons Act 1990*.

The Government considers that any knife seized through Jack's Law is a reflection of the success of this policing strategy as it is a weapon that can potentially be used to later cause harm to a member of the community.

*Authorising police to exercise Jack's Law within relevant places without a senior police officer's authority*

The Bill will remove the statutory requirement for a police officer to obtain authority from a senior police officer prior to using a hand held scanner to detect knives in or on a relevant place. The amendment will empower police officers to employ Jack's Law as a proactive policing strategy that is flexible and adaptive to meet all circumstances.

The amendments also provide that where a police officer starts to exercise a power in relation to hand held scanning in a relevant place, the police officer may continue to exercise the power, in a public place, in relation to the person, even if the person leaves the relevant place. For example, there could be a circumstance where a person leaves a relevant place, while subject to a hand held scan by a police officer or moves to another area as an unrelated incident has forced them to move. In this circumstance, a police officer may move across the road (not a relevant place) to ensure their safety and continue the hand held scan. This approach is to ensure that if a police officer commences the exercise of these powers in relation to a person while at a relevant place, then they will have the ability to complete exercising those powers in relation to the person even if the person leaves the relevant place. However, in the circumstance where a person retreats to a place that is not a public place (for example, a private residence), the Jack's Law framework will not apply, and a police officer will consider the availability of other policing powers.

*Expansion of Jack's Law to other public places*

The Bill expands the applicability of the Jack's Law framework to other public places, that are not otherwise relevant places. This may capture areas that are characterised by factors such as high pedestrian density, a predominance of licenced premises, a location where there is an elevated concentration of people in the area due to an event or where police have received criminal intelligence about the use of knives or other weapons in the place.

A public place is defined in Schedule 6 of the PPRA and encompasses a wide range of areas, including outdoor and indoor spaces that are open to the public, regardless of whether a fee is charged. Expanding Jack's Law to other public places will provide significant community safety benefits by deterring and detecting the unlawful possession of knives in the community, and consequently reduce the potential for offences involving knives occurring in these areas.

Any scanning activities undertaken in a public place, other than a relevant place, must first be authorised by a senior police officer which is defined as an Inspector or higher ranked officer, or a Senior Sergeant approved by the Police Commissioner to be an authorising officer for scanning activities. This provides a degree of oversight that promotes the appropriateness of using hand held scanners in these areas.

A senior police officer must be 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.

The amendments provide the authorisation must state the day and time the authorisation starts and ends, the address and the place name or description of the public place for which the authorisation is given. The authorisation must contain the reasons for which the authority is issued and factors that may be considered by the senior police officer when satisfying that 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.

An authorisation is to be for no more than 12 hours. Further authorisations may be made for the same place after this period expires. This ensures the regular involvement of an authorising officer in any scanning activities conducted over a significant period. There is no limitation on the days or times on which this 12 hour period can apply.

Additionally, the amendments also provide that where a police officer starts to exercise a power in relation to hand held scanning in a public place, the police officer may continue to exercise the power, in a public place, in relation to the person, even if the person leaves the public place and goes to another public place.

The use of a hand held scanner to detect the presence of metal on a person is a quick and effective means of police identifying whether a person is in possession of a knife. The screening process takes little time, is non-invasive, does not require a person to be moved to a different location, and does not involve the application of force, except perhaps incidental light touching of the device on clothing or other items.

The safeguards for the exercise of police powers will remain, to ensure that the hand held scanners will be used appropriately.

The expansion provides a strong message to potential offenders that knife related crime is not tolerated and acts as a deterrence mechanism to prevent individuals from bringing knives to these public places.

#### Improving efficiency gains

The Bill removes the obligation for a police officer to notify a manager or occupier of a licensed premises, retail premises, a shopping centre or a sporting or an entertainment venue prior to the exercise of Jack's Law and also removes the requirement for a police officer to offer to provide a written notice to individuals subject to hand held scanning. The written notice is required to state that:

- the person is in a relevant place;
- police are empowered to require the person to be scanned, produce a thing that may cause a hand held scanner to indicate that metal is, or likely to be, present; and
- it is an offence for the person not to comply with the requirement unless the person has a reasonable excuse.

These additional requirements on police officers, potentially delay the timely execution of their duties. The QPS will amend its policies to outline that, to where practicable, a police officer may notify a manager or occupier of a premises orally or in writing that a hand held scanning operation will be conducted and the timings of such operations.

Additionally, the Bill removes the requirement for the Police Commissioner to publish notices about hand held scanner authorities on the QPS website. This is currently seen as duplicative, particularly due to the existing legislative requirement to report on Jack's Law in the QPS annual report. The Bill will retain an appropriate reporting mechanism by requiring the QPS to provide, within its annual report, relevant information about the number of hand held authorities issued by a senior police officer over the reporting period and information about the number of people required to submit to the use of hand held scanners, the number of knives or other weapons detected, the number of times a power to search a person was exercised and the number and types of charges made as a result of the use of hand held scanners under authorities.

#### Extension of the operational period of the *Terrorism (Preventative Detention) Act 2005*

The Bill extends the operational period of the TPD Act for 15 years until 16 December 2040. An inter-jurisdictional scan of the expiry periods of corresponding interstate legislation was undertaken. A term to extend the operational period of the legislation has been applied that fits within the proportionate range applied nationally and is consistent with the expiry period legislated by Victoria.

The Bill does not contain policy changes or other amendments to the TPD Act.

#### Clarifying Marine Rescue Queensland as a charitable institution for the purpose of receiving gifts

The Bill amends the MRQ Act to clarify MRQ is capable of receiving gifts from a charitable institution thereby removing any doubt about the permissibility of the transfer of assets to MRQ, and that a gift to MRQ would be properly considered as being made for charitable purposes.

This will clarify that there is no legislative or lawful impediment preventing MRQ from receiving gifts, donations, bequests or legacies.

#### Validating the appointment of State Emergency Service members

The Bill amends the SES Act to confirm that any previous appointment of a person as an SES member is valid.

This will have the benefit of allowing SES members to perform their duties for the community without any concern about the validity of their appointment.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives other than by legislative reform.

## **Estimated cost for government implementation**

Any costs arising from the implementation of the Bill will be met through existing budget allocations.

## Consistency with fundamental legislative principles

The Bill has been prepared with due regard to the fundamental legislative principles (FLPs) outlined in the *Legislative Standards Act 1992* (LSA) and is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

### Amendments to Jack's Law

The proposed amendments will provide police officers with powers to conduct hand held scanning in or on relevant places without the current obligation to obtain prior approval from a senior police officer. This will remove the current obligation held by a senior police officer to engage in making certain considerations such as a place must have encountered a serious knife incident, prior to granting the authorisation allowing police officers to conduct hand held scanning.

Further, it will provide police officers with the authority to conduct hand held scanning in or on public places, that are not relevant places, with authorisation from a senior police officer. A senior police officer can only authorise hand held scanning in a public place, that is not a relevant place, for 12 hours. The senior police officer must be 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.

The proposed amendments may be considered to be potentially inconsistent with the fundamental legislative principles, particularly in regard to breaches of rights and liberties of individuals through a potential interference with an individual's freedom of movement and right to privacy and principles of natural justice (section 4(2)(a) and section 4(3)(b) of the LSA).

However, the potential inconsistencies are considered justified. While it is acknowledged that the power to conduct hand held scanning may interfere with individual rights, this needs to be balanced against the importance of proactive policing to enhance community safety and security.

The powers exercised are limited to a cohort of people who are within a legislatively defined relevant place, or a public place that is not a relevant place during the period when an authority from a senior police officer exists. These locations have been identified as places requiring the use of a hand held scanner to minimise the risk of physical harm caused by knives and police officers should be provided with the proactive powers to detect and deter offences involving the unlawful possession of knives to enhance community safety and security.

Further, interference and inconvenience to a person is minimised as far as possible. Hand held scanning of the person can be completed in a short period of time and in a non-invasive manner as the use of a hand held scanner involves the passing of the device over the exterior of the person's clothing and belongings. If the scanner indicates the presence of metal, the person will be required to produce any item likely to have caused the activation, after which the person may be scanned again.

Legislative safeguards exist within the PPRA to reduce the risk of unreasonable interference with an individual's rights and liberties, including that a police officer must:

- exercise the power under a hand held scanner authority in the least invasive way that is practicable in the circumstances;
- only detain the person for so long as is reasonably necessary to exercise the power;
- if requested by the person inform the person of the police officer's name, rank and station, or in writing if requested;
- produce the police officer's identity card for inspection, unless the police officer is in uniform; and
- inform the person that the person is required to allow the officer to use a hand held scanner to determine whether the person is carrying a knife or other weapons.

These safeguards are supported by the QPS policy which orders a police officer who is allocated a body worn video camera to commence recording as soon as practicable after an officer reasonably believes they may exercise a power under legislation such as conducting hand held scanning under chapter 2, part 3A of the PPRA.

While individual liberties may be impacted by the proposed legislative amendments regarding the use of a hand held scanner, it is considered justified to achieve the policy intent of minimising the risk of harm being caused by knives in relevant places and other public places and enhance community safety and security.

#### Extension of the operational period of the *Terrorism (Preventative Detention) Act 2005*

Section 4(2)(a) of the LSA requires that legislation has sufficient regard to the rights and liberties of individuals.

The TPD Act deals with policing powers which raise substantial issues about the liberty of the subject being detained and the criminal justice process. Such infringements on civil liberties were regarded as necessary to protect the community from a terrorist attack or to secure evidence following a terrorist attack. Several safeguards were built into the legislation to minimise infringements on these principles.

Extending the operational period of the TPD Act is administrative in nature and does not further infringe fundamental legislative principles.

#### Validating the appointment of State Emergency Service members

The Bill will retrospectively confirm that an appointment of a person as an SES member is valid. Section 4(3)(g) of the LSA outlines that legislation should not retrospectively affect rights and liberties or impose obligations. However, in a range of contexts, legislation with retrospective application may be enacted to validate decisions or powers exercised by government agencies, the validity of which is in doubt for technical reasons. Such legislation may be seen as retrospectively changing legal rights and obligations.

When considering the impact of retrospective legislation, the former Scrutiny of Legislation Committee (the Scrutiny Committee) had regard to the following factors:

- whether the retrospective application is beneficial to persons other than the Government; and
- whether individuals have relied on legislation and have a legitimate expectation under the legislation before retrospective clauses commence.

The Scrutiny Committee had no concerns about retrospective provisions that do not adversely affect any person other than the State and recognised that there were occasions where curative retrospective legislation, which does not significantly affect an individual's rights and liberties is justified to clarify a situation or correct unintended legislative consequences.

SES members are relied upon during times of crisis to provide rescue and other emergency services to the community. Predominantly, these services are provided by SES members who are volunteers. It is essential that the duties and functions that SES members perform are not compromised through any concern held by the SES member about the validity of their appointment or the potential civil liabilities that may arise through their appointment being invalid.

The potential impact upon FLPs is justified as persons appointed to be SES members have a legitimate expectation that their appointments will be valid.

## Consultation

### Jack's Law

Targeted consultation was undertaken with community and legal stakeholders inviting feedback regarding the proposed amendments to Jack's Law, namely making Jack's Law permanent, efficiency amendments to the existing legislative framework and the expansion of Jack's Law to other public places.

Feedback received during this consultation process was taken into account during the development of the Bill.

### Extension of the operational period of the *Terrorism (Preventative Detention) Act 2005*

Due to the nature of the amendment to the TPD Act, no community consultation was conducted.

### Clarifying Marine Rescue Queensland as a charitable institution for the purpose of receiving gifts

Due to the nature of the amendment to the MRQ Act, no community consultation was conducted.

### Validating the appointment of State Emergency Service members

Due to the nature of the amendment to the SES Act, no community consultation was conducted.

## Consistency with legislation of other jurisdictions

### Jack's Law

In developing the Bill, consideration was given to equivalent legislation in other States. All other Australian States and Territories, with the exception of the Australian Capital Territory to trial, have introduced or passed similar legislation.

This demonstrates a broad consensus on the importance of creating legislation which addresses violent knife related crimes and demonstrates these police powers and strategies are not a novel concept. It also demonstrates it is an accepted practice that Australian police are now proactively utilising hand held scanners to keep our community safe.

These amendments are otherwise specific to the State of Queensland, and is not uniform with, or complimentary to, the legislation of the Commonwealth or another State.

Extension of the operational period of the *Terrorism (Preventative Detention) Act 2005*

In extending the operational period of the TPD Act, consideration was given to extensions of operational periods of comparative legislation in other jurisdictions.

Clarifying Marine Rescue Queensland as a charitable institution for the purpose of receiving gifts

The amendment in the Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another state.

Validating the appointment of State Emergency Service members

The amendment in the Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another state.

# Notes on provisions

## Part 1 Preliminary

### 1 Short title

*Clause 1* states that this Act may be cited as the *Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Act 2025*.

### 2 Commencement

*Clause 2* provides that part 3 will commence on a day to be fixed by proclamation.

## Part 2 Amendment of Marine Rescue Queensland Act 2024

### 3 Act amended

*Clause 3* provides part 2 amends the *Marine Rescue Queensland Act 2024*.

### 4 Insertion of new s 28A

*Clause 4* inserts new section 28A (MRQ is charitable institution) into part 4 of the *Marine Rescue Queensland Act 2024*. New section 28A states MRQ is a charitable institution in relation to a gift, donation, bequest or legacy to MRQ under a trust instrument or other document.

## Part 3 Amendment of the Police Powers and Responsibilities Act 2000

### 5 Act amended

*Clause 5* states that this part amends the *Police Powers and Responsibilities Act 2000*.

### 6 Amendment of s 30 (Prescribed circumstances for searching persons without warrant)

*Clause 6* amends section 30(1)(l) by providing the prescribed circumstances for searching a person without a warrant to include where the person has failed to comply with a requirement under sections 39BA (Use of hand held scanner without warrant in relevant places) and 39E (Authorised use of hand held scanner without warrant in stated public places).

### 7 Amendment of ch 2, pt 3A, hdg (Jack's Law-Use of hand held scanners without warrant in particular places)

*Clause 7* amends the heading of chapter 2, part 3A to remove reference to 'in particular places' so the new heading for this part is – 'Jack's Law-Use of hand held scanners without warrant'.

**8 Insertion of new s 39AA**

*Clause 8* inserts new section 39AA (Purpose of part) which outlines that the purpose of Jack's Law is to detect or deter the commission of an offence involving the possession or use of a knife or other weapon.

**9 Amendment of s 39A (Definitions for part)**

*Clause 9* amends section 39A (Definition for parts) definition of 'hand held scanner authority' to omit a reference to section 39C(6) and instead insert a reference to section 39C(3).

**10 Insertion of new s 39BA**

*Clause 10* inserts a new section 39BA (Use of hand held scanners without warrant in relevant places). Subsection (1) enables a police officer to use a hand held scanner without a warrant at, in or on relevant places, namely:

- a) licensed premises;
- b) a public transport station;
- c) a public transport vehicle;
- d) retail premises;
- e) a safe night precinct;
- f) a shopping centre; and
- g) a sporting or entertainment venue.

Subsection (2) provides that a police officer may continue to exercise a hand held scanning power in a public place even if the person being subject to the use of a hand held scanner leaves the relevant place.

**11 Amendment of s 39C (Use of hand held scanner authorised by senior police officer)**

*Clause 11* amends section 39C (Use of hand held scanner authorised by senior police officer).

Subsection (1) amends the heading of section 39C by omitting a reference to the term 'use of hand held scanner'. This amended heading reflects that authorisations will be made by a senior police officer.

Subsection (2) provides that a senior police officer may authorise the use of a hand held scanner at, in or on a public place, other than a relevant place.

Subsection (3) provides that a senior police officer may issue an authority only if the senior police officer considers the use of a hand held scanner will be likely to be effective in detecting or deterring the commission of an offence involving the possession or use of a knife or other weapon at, in or on the public place.

Subsection (4) removes sections 39C(3) to (5).

Subsection (5) renumbers section 39C(6) to section 39C(3).

## **12 Amendment of s 39D (Form and effect of hand held scanner authority)**

*Clause 12* amends section 39D (Form and effect of hand held scanner authority) by outlining the information that must be provided within a hand held scanner authority. This information includes:

- when a hand held scanner authority starts and ends;
- the address, place name or description of the public place for which the authority is issued; and
- the reasons for which the authority is issued for the public place.

## **13 Replacement of ss 39E-39FC**

*Clause 13* omits sections 39E - 39FC and inserts a new section 39E (Authorised use of hand held scanner without warrant in stated public place).

Subsection (1) provides that section 39E applies if a hand held scanner authority is in effect for a stated public place.

Subsection (2) provides that a police officer may, without a warrant, require a person to stop and submit to the use of a hand held scanner in a public place at, in or on the stated public place.

Subsection (3) clarifies that a police officer may continue to exercise hand held scanning powers in a public place, in relation to the person, even if the person leaves the stated place.

## **14 Amendment of s 39G (Requirements if hand held scanner indicates metal)**

*Clause 14* amends section 39G (Requirements if hand held scanner indicates metal) to reflect that a police officer may require a person to produce a thing that may be causing a hand held scanner to indicate that metal is or is likely to be present and to resubmit to the use of the scanner, if a police officer is using the hand held scanner under the new section 39BA or 39E.

Subsection (2) provides a note to section 39G(2) to clarify that sections 29 and 30(1)(l) provide for the power to search a person without a warrant.

## **15 Amendment of s 39H (Safeguards for exercise of powers)**

*Clause 15* amends section 39H (Safeguards for exercise of powers) to outline the safeguards that will apply when powers are exercised by police officers. This clause will omit the requirement that a police officer must offer to give the person a hand held scanner information notice and to provide the notice if that offer is accepted.

Subsection (2) provides an amendment to subsection (4)(e) that a police officer must inform the person that a failure to comply with a requirement under section 39BA, 39E or 39G is a prescribed circumstance under section 30(1)(l).

Subsection (3) omits a reference to a hand held scanner information notice that will become superfluous through the operation of the Bill.

**16 Omission of ss 39I and 39J**

*Clause 16* omits sections 39I and 39J, which reference information about a handheld scanner information notice and the requirement to publish notice about a hand held scanner authority on the police service website within 2 months after the authority is issued.

**17 Omission of s 39L (Expiry of particular provisions)**

*Clause 17* omits section 39L (Expiry of particular provisions). This amendment will remove the sunset clause applying to Jack's Law.

**18 Amendment of s 808C (Annual report to include information about authorisation of hand held scanners)**

*Clause 18* amends section 808C (Annual report to include information about authorisation of hand held scanners).

Subsection (1) amends the section heading so the new heading for this part is – ‘Annual report to include information about hand held scanners’.

Subsection (2) removes the requirement for the annual report to include the names of the safe night precincts, public transport stations and rail lines, and the addresses of the licensed premises, retail premises, shopping centres and sporting or entertainment venues, for which the authorities were issued.

Subsection (3) amends the information to be included in the police service's annual report relevant to the use of hand scanners without warrant in relevant places and authorities issued for the use of hand held scanners as a consequence of the amendments in the Bill.

Subsection (4) renumbers the existing subsection (1)(c) to subsection (1)(b).

**19 Amendment of sch 6 (Dictionary)**

*Clause 19* amends the definition of ‘hand held scanner authority’ in Schedule 6 by replacing a reference to section 39C(6) with section 39C(3).

**Part 4 Amendment of State Emergency Service Act 2024**

**20 Act amended**

*Clause 20* provides part 4 amends the *State Emergency Service Act 2024*.

**21 Replacement of pt 6, hdg (Transitional provisions for Emergency Services Reform Amendment Act 2024)**

*Clause 21* omits the heading of part 6 of the *State Emergency Service Act 2024* and inserts new part 6 heading 'Transitional and validation provisions' and division 1 heading 'Transitional provisions for Emergency Services Reform Amendment Act 2024'

**22 Amendment of s 50 (Definitions for part)**

*Clause 22* amends the heading for section 50 'Definitions for part' by replacing the word 'part' with the word 'division'.

Subsection (2) replaces reference to the word 'part' with the word 'division' in section 50.

**23 Insertion of new pt 6, div 2**

*Clause 23* inserts the new heading 'Validation provisions for Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Act 2025' for division 2 of part 6.

This clause also inserts new sections 58 (Validation provision for purported appointment of former SES member) and 59 (Validation provision for purported appointment of particular SES members).

The new section 58 of the SES Act applies to a person who, prior to the commencement of the SES Act, has been purportedly appointed as a member of the SES under former section 132 of the *Fire Services Act 1990*, which was previously titled the *Fire and Emergency Services Act 1990*.

The new section 58 provides the appointee is taken to have been validly appointed until the commencement of section 51 of the SES Act unless the appointment ended before that time.

Subsection 4 of new section 58 confirms that anything done or omitted to be done by the appointee during the period of the purported appointment that would have been valid and lawful under the former Act had the appointee been validly appointed as a member of the former SES is taken to be, and always to have been, valid and lawful.

Subsection 5 of new section 58 provides definitions for the following terms:

- former;
- former Act;
- former SES;
- QFES commissioner;
- relevant commencement.

New section 59 applies to a person (the appointee) who has been purportedly appointed as a member of the SES under section 16 of the SES Act by a person purporting to perform the delegated function of the commissioner under that section. New section 59 confirms the appointee is taken to have been validly appointed and anything done or omitted to be done by

the appointee during the period of the purported appointment that would have been valid and lawful under the SES Act had the appointee been validly appointed as a member of the SES is taken to be, and always to have been, valid and lawful.

## **Part 5                      Amendment of Terrorism (Preventative Detention) Act 2005**

### **24      Act amended**

*Clause 24* provides part 5 amends the *Terrorism (Preventative Detention) Act 2005*.

### **25      Amendment of s 83 (Sunset provision)**

*Clause 25* amends section 83 of the *Terrorism (Preventative Detention) Act 2005* by omitting the heading 'Sunset provision' and replacing it with new heading 'Expiry'. The clause amends section 83(1) by extending the operational period of this Act until 16 December 2040.