



Queensland

Police Powers and Responsibilities and Other Legislation Amendment Bill 2024



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2024

A Bill

for

An Act to amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*, the *Corrective Services Act 2006*, the *Crime and Corruption Act 2001*, the *Mental Health Act 2016*, the *Planning Regulation 2017*, the *Police Powers and Responsibilities Act 2000*, the *Public Health Act 2005*, the *Summary Offences Act 2005*, the *Terrorism (Preventative Detention) Act 2005* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024*. 4
5

Clause 2 Commencement 6

The following provisions commence on a day to be fixed by proclamation— 7
8

(a) part 2; 9

(b) part 3, division 3; 10

(c) parts 4 and 5; 11

(d) parts 7 to 10; 12

(e) schedule 1, part 2. 13

Part 2 Amendment of Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 14
15
16
17

Clause 3 Act amended 18

This part amends the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*. 19
20

Note— 21

See also the amendments in schedule 1, part 2. 22

Clause 4	Amendment of s 27 (Right to privacy and support when reporting)	1 2
	Section 27(6), definition <i>special needs</i> , paragraph (a), ‘sex’—	3
	<i>omit, insert—</i>	4
	gender	5
Clause 5	Amendment of s 31 (Power to take photographs)	6
	Section 31(2)(c)—	7
	<i>omit.</i>	8
Clause 6	Insertion of new s 31A	9
	After section 31—	10
	<i>insert—</i>	11
	31A Safeguards for certain photographs	12
	(1) This section applies if, under section 31, a police officer requires a reportable offender to expose the offender’s breasts to enable that part of the body to be photographed.	13 14 15 16
	(2) The police officer—	17
	(a) must not require the reportable offender to remove more clothing than is necessary for the photograph to be taken; and	18 19 20
	(b) if reasonably practicable, must ensure the photograph is not taken—	21 22
	(i) in the presence of someone whose presence is not required while the photograph is taken; or	23 24 25
	(ii) where someone not involved in taking the photograph can see the photograph being taken.	26 27 28
	(3) Subject to this section, the person taking the photograph must, if reasonably practicable, be of	29 30

- the same gender as the reportable offender. 1
- (4) The reportable offender must be given— 2
- (a) an explanation of the process; and 3
- (b) a reasonable opportunity to express a 4
preference about the gender of the person 5
taking the photograph. 6
- (5) A preference must be accommodated unless— 7
- (a) there are reasonable grounds to believe the 8
preference is expressed for an improper 9
purpose; or 10
- (b) it is not reasonably practicable to 11
accommodate the preference. 12
- (6) Without limiting the power under section 31(1)(b) 13
for the photograph to be taken by a person 14
authorised by the officer, the police officer may 15
authorise a person to take the photograph if 16
reasonably necessary— 17
- (a) to ensure that the person taking the 18
photograph and the reportable offender are 19
of the same gender; or 20
- (b) to accommodate a preference expressed by 21
the person; or 22
- (c) to address a concern related to gender in a 23
way that minimises embarrassment and 24
offence. 25

Part 3	Amendment of Corrective Services Act 2006	1 2
Division 1	Preliminary	3
Clause 7	Act amended	4
	This part amends the <i>Corrective Services Act 2006</i> .	5
	<i>Note—</i>	6
	See also the amendments in schedule 1, part 1.	7
Division 2	Amendments commencing on assent	8 9
Clause 8	Amendment of s 193 (Deciding parole applications—general)	10 11
	(1) Section 193(2), ‘subsection (3)’—	12
	<i>omit, insert—</i>	13
	subsection (4)	14
	(2) Section 193(3)(a), ‘subsection (2)’—	15
	<i>omit, insert—</i>	16
	subsection (3)	17
	(3) Section 193(5A)—	18
	<i>omit, insert—</i>	19
	(6) The period of time decided under subsection (6)(b) must not be more than—	20 21
	(a) if the prisoner is serving a term of imprisonment for life—5 years; or	22 23

[s 9]

- (b) if the prisoner is serving a term of imprisonment of 10 years or more other than a term of imprisonment for life—3 years; or
 - (c) if paragraphs (a) and (b) do not apply—1 year.
 - (7) In deciding the period of time under subsection (6)(b), the parole board—
 - (a) must consider—
 - (i) the nature, seriousness and circumstances of each offence for which the prisoner is serving the period of imprisonment the subject of the application; and
 - (ii) the reasons the application has been refused; and
 - (b) may have regard to—
 - (i) the likely effect that the making of a further application for a parole order may have on an eligible person or victim; and
 - (ii) the extent to which delaying the making of a further application for a parole order is in the public interest.
- (4) Section 193(1A) to (7)—
renumber as section 193(2) to (8).

- Clause 9 Insertion of new s 267A**
- After section 267—
- insert—*
- 267A Establishing and operating particular infrastructure**
- (1) The chief executive may, on relevant premises, establish and operate infrastructure to be used for

a purpose relating to the chief executive's functions under section 263 or another Act, including, for example—

(a) a community corrections office; or

(b) a facility for providing education and training to corrective services officers; or

(c) a facility to be used for a purpose associated with a corrective services facility.

Examples for paragraph (c)—

administration office, staff accommodation,

storage facility

(2) In this section—

relevant premises means premises owned or leased by the department on behalf of the State.

Clause 10 Insertion of new ch 7A, pt 18

Chapter 7A—

insert—

Part 18

Transitional and

validation provisions

for Police Powers and

Responsibilities and

Other Legislation

Amendment Act 2024

490ZJ Existing applications for parole orders

(1) This section applies to an application for a parole order made under section 180, but not decided, before the commencement.

(2) Section 193, as amended by the *Police Powers and Responsibilities and Other Legislation*

[s 10]

Amendment Act 2024, applies in relation to the application. 1
2

490ZK Validation of particular development 3

- (1) This section applies to development carried out before the commencement if— 4
5
- (a) the development was carried out by or on behalf of the State on the following lots— 6
7
 - (i) lot 2 on SP257634; 8
 - (ii) lot 57 on SP277218; 9
 - (iii) lots 74 to 78 on Crown Plan E124236; 10
 - (iv) lot 145 on Crown Plan LN2427; and 11
 - (b) the development is for infrastructure mentioned in section 267A(1); and 12
13
 - (c) when the development was carried out— 14
 - (i) the development was assessable development under a planning Act; and 15
16
 - (ii) no development permit was in effect for the development. 17
18
- (2) The carrying out of the development without a development permit is, and is taken to have always been, valid and lawful. 19
20
21
- (3) In this section— 22
- development* see the *Planning Act 2016*, schedule 2. 23
24
- development permit* means a development permit under a planning Act. 25
26
- planning Act* means— 27
- (a) the *Planning Act 2016*; or 28
 - (b) the repealed *Sustainable Planning Act 2009*; 29
or 30

	(c) the repealed <i>Integrated Planning Act 1997</i> .	1
Division 3	Amendments commencing by proclamation	2 3
Clause 11	Amendment of s 53 (Safety order)	4
	(1) Section 53(1)(a), ‘a doctor or psychologist’—	5
	<i>omit, insert—</i>	6
	an authorised practitioner	7
	(2) Section 53(1)(a), ‘the doctor or psychologist’—	8
	<i>omit, insert—</i>	9
	the authorised practitioner	10
	(3) Section 53(3), ‘under a’—	11
	<i>omit, insert—</i>	12
	by	13
Clause 12	Amendment of s 54 (Consecutive safety orders)	14
	Section 54(2)—	15
	<i>omit, insert—</i>	16
	(2) However, if the existing safety order was made on the advice of an authorised practitioner, the further safety order may be made only on the advice of another authorised practitioner.	17 18 19 20
Clause 13	Amendment of s 55 (Review of safety order—doctor or psychologist)	21 22
	(1) Section 55, heading, ‘doctor or psychologist’—	23
	<i>omit, insert—</i>	24
	authorised practitioner	25

[s 14]

- (2) Section 55(1), ‘a doctor or psychologist’— 1
omit, insert— 2
an authorised practitioner 3
- (3) Section 55(1), ‘another doctor or psychologist’— 4
omit, insert— 5
another authorised practitioner 6

- Clause 14 Amendment of s 57 (Health examination)** 7
Section 57, ‘health practitioner’— 8
omit, insert— 9
health practitioner, who is not an authorised 10
practitioner, 11

- Clause 15 Amendment of s 58 (Temporary safety order)** 12
- (1) Section 58(1)(a), ‘a doctor or psychologist’— 13
omit, insert— 14
an authorised practitioner 15
- (2) Section 58(1)(b), ‘nurse advises’— 16
omit, insert— 17
health practitioner, who is not an authorised 18
practitioner, advises 19
- (3) Section 58(1)(b), ‘nurse reasonably’— 20
omit, insert— 21
health practitioner reasonably 22
- (4) Section 58(3), ‘a doctor or psychologist’— 23
omit, insert— 24
an authorised practitioner 25
- (5) Section 58(4) and (5), ‘doctor or psychologist’— 26

omit, insert— 1
authorised practitioner 2

Clause 16	Amendment of s 59 (Record)	3
(1)	Section 59(2)(c), ‘doctor or psychologist’—	4
	<i>omit, insert—</i>	5
	authorised practitioner	6
(2)	Section 59(2)(g)(ii), ‘doctor, psychologist’—	7
	<i>omit, insert—</i>	8
	authorised practitioner	9
(3)	Section 59(3)(c), ‘nurse’—	10
	<i>omit, insert—</i>	11
	health practitioner	12
(4)	Section 59(3)(g), ‘doctor or psychologist’—	13
	<i>omit, insert—</i>	14
	authorised practitioner	15

Clause 17	Insertion of new ch 6, pt 8A	16
	Chapter 6—	17
	<i>insert—</i>	18

Part 8A	Authorised practitioners	19
		20

305A Definition for part	21
In this part—	22
<i>health service</i> means a service for maintaining, improving, restoring or managing people’s health and wellbeing.	23 24 25

[s 17]

305B Appointment of authorised practitioner	1
(1) The chief executive may, by instrument in writing, appoint the following persons as an authorised practitioner—	2 3 4
(a) an accredited health service provider;	5
(b) a doctor;	6
(c) a nurse;	7
(d) an occupational therapist;	8
(e) a psychologist.	9
(2) However, the chief executive may appoint a person as an authorised practitioner only if—	10 11
(a) the person is a corrective services officer or a public service officer; and	12 13
(b) the chief executive is satisfied the person has the necessary competencies and training, as stated in the authorised practitioner policy, to perform the functions of an authorised practitioner.	14 15 16 17 18
(3) An authorised practitioner has the functions and powers given under this Act.	19 20
(4) In this section—	21
<i>accredited health service provider</i> means an individual who—	22 23
(a) provides a health service, including, for example, a social worker or speech pathologist; and	24 25 26
(b) holds the necessary professional registration, licensing or authorisation, as stated in the authorised practitioner policy, to provide the health service.	27 28 29 30

*Example of a professional registration, licensing or
authorisation—* 1
2

an accreditation given by the Australian
Association of Social Workers 3
4

authorised practitioner policy means a policy 5
made by the chief executive under section 305C. 6

occupational therapist means a person registered 7
under the Health Practitioner Regulation National 8
Law to practise, other than as a student, in the 9
occupational therapy profession. 10

305C Authorised practitioner policy 11

(1) The chief executive may make a policy about the 12
following matters relating to an authorised 13
practitioner— 14

(a) the competencies and training necessary for 15
a person to perform the functions of an 16
authorised practitioner; 17

(b) the professional registration, licensing or 18
authorisation necessary to provide a health 19
service. 20

(2) The chief executive must publish the policy on the 21
department’s website. 22

Clause 18 Insertion of new ss 490ZL and 490ZM 23

After section 490ZK, as inserted by this Act— 24

insert— 25

490ZL Advice and recommendations relating to safety orders and temporary safety orders 26 27

(1) This section applies if, before the 28
commencement, a doctor or psychologist— 29

(a) gave advice to the chief executive as 30
mentioned in section 53(1) or 54(2); or 31

[s 18]

(b) made a recommendation to the chief executive under section 55(4) or 58(5). 1
2

(2) For applying chapter 2, part 2, division 5 in relation to a prisoner after the commencement, the advice or recommendation is taken to have been given or made by an authorised practitioner. 3
4
5
6

490ZM Transitional regulation-making power 7

(1) A regulation (a *transitional regulation*) may make provision about a matter for which— 8
9

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of former chapter 2, part 2, division 5 to the operation of this Act as in force from the commencement; and 10
11
12
13
14
15

(b) this Act does not provide or sufficiently provide. 16
17

(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences. 18
19
20

(3) A transitional regulation must declare it is a transitional regulation. 21
22

(4) A transitional regulation may only be made within 1 year after the day this section commences. 23
24

(5) This section and a transitional regulation expire on the day that is 2 years after the day this section commences. 25
26
27

(6) In this section— 28

former chapter 2, part 2, division 5 means chapter 2, part 2, division 5 as in force before its amendment by the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024*. 29
30
31
32
33

Clause 19	Amendment of sch 4 (Dictionary)	1
	Schedule 4—	2
	<i>insert—</i>	3
	<i>authorised practitioner</i> means a person appointed as an authorised practitioner under section 305B.	4
	<i>health service</i> , for chapter 6, part 8A, see section 305A.	5
		6
		7
		8
Part 4	Amendment of Crime and Corruption Act 2001	9
		10
Clause 20	Act amended	11
	This part amends the <i>Crime and Corruption Act 2001</i> .	12
	<i>Note—</i>	13
	See also the amendments in schedule 1, part 2.	14
Clause 21	Amendment of s 100 (General provisions about searches of persons)	15
	Section 100(2)—	16
	<i>omit.</i>	17
		18
Clause 22	Insertion of new s 100A	19
	After section 100—	20
	<i>insert—</i>	21
	100A Gender safeguard for searches of persons	22
	(1) This section applies to a search of a person conducted by an authorised commission officer.	23
		24
	(2) This section does not apply if an immediate search of the person is necessary.	25
		26

[s 22]

- Example—* 1
- An immediate search may be necessary because it is 2
reasonably suspected that the person may have a bomb 3
strapped to the person’s body or a concealed firearm or 4
knife. 5
- (3) Subject to this section, the person conducting the 6
search must, if reasonably practicable, be of the 7
same gender as the person being searched. 8
- (4) The person to be searched must be given— 9
- (a) an explanation of the search process; and 10
- (b) a reasonable opportunity to express a 11
preference about the gender of the person 12
who is to conduct the search. 13
- (5) A preference may be expressed in a way that 14
would require different persons to search the 15
upper body, lower body or head of the person. 16
- (6) A preference must be accommodated unless— 17
- (a) there are reasonable grounds to believe the 18
preference is expressed for an improper 19
purpose; or 20
- (b) it is not reasonably practicable to 21
accommodate the preference. 22
- (7) The search or part of the search may be conducted 23
by a different authorised commission officer, or 24
under the direction of the authorised commission 25
officer by a person who is not an authorised 26
commission officer, if reasonably necessary— 27
- (a) to ensure that the person conducting the 28
search and the person being searched are of 29
the same gender; or 30
- (b) to accommodate a preference expressed by 31
the person being searched; or 32
- (c) to address a concern related to gender in a 33
way that minimises embarrassment and 34
offence. 35

	(8) Also, the authorised commission officer may	1
	conduct the search or part of the search despite not	2
	being of the same gender as the person being	3
	searched if, in the circumstances, that is the most	4
	appropriate way to address a concern related to	5
	gender.	6
Clause 23	Amendment of s 105 (Removal of clothing for search)	7
	Section 105, from ‘clothing from—’—	8
	<i>omit, insert—</i>	9
	clothing from the upper or lower part of the body.	10
Clause 24	Amendment of s 106 (Protecting the dignity of persons during search)	11
	Section 106(2), example, ‘of the opposite sex and by	13
	anyone’—	14
	<i>omit.</i>	15
Clause 25	Amendment of s 108 (If video cameras monitor place where person is searched)	16
	Section 108(1), from ‘, unless the person’ to ‘being	18
	searched’—	19
	<i>omit.</i>	20
Part 5	Amendment of Mental Health Act 2016	21
		22
Clause 26	Act amended	23
	This part amends the <i>Mental Health Act 2016</i> .	24

[s 27]

Clause 27	Amendment of s 399 (Requirements for personal search)	1
	Section 399(2)(a)—	2
	<i>omit, insert—</i>	3
	(a) to the extent reasonably practicable—	4
	(i) the person has been given an opportunity to express, and has expressed, their preference about the gender of someone carrying out the search (the <i>gender preferred</i> by the person); and	5 6 7 8 9 10
	(ii) the gender of the searcher is the gender preferred by, or otherwise the same gender as, the person; and	11 12 13
Clause 28	Amendment of s 400 (Requirements for search requiring removal of clothing)	14 15
	(1) Section 400(2)—	16
	<i>omit, insert—</i>	17
	(2) To the extent reasonably practicable, the gender of each person carrying out the search (each a <i>searcher</i>) must be the gender preferred by, or otherwise the same gender as, the person being searched.	18 19 20 21 22
	(2) Section 400—	23
	<i>insert—</i>	24
	(7) In this section—	25
	<i>gender preferred</i> , by the person being searched, see section 399(2)(a)(i).	26 27

Part 6	Amendment of Planning Regulation 2017	1 2
Clause 29	Regulation amended	3
	This part amends the <i>Planning Regulation 2017</i> .	4
Clause 30	Insertion of new s 20B	5
	After section 20A—	6
	<i>insert—</i>	7
	20B Category of assessment for development for particular infrastructure under Corrective Services Act 2006	8 9 10
	(1) This section applies to development that—	11
	(a) is stated in schedule 9 or 10 to be assessable development; and	12 13
	(b) would, but for subsection (2), require impact assessment under section 20(2).	14 15
	(2) Despite section 20(2), to the extent the development is development mentioned in schedule 6, section 36, the category of assessment required for the development is code assessment.	16 17 18 19
Clause 31	Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)	20 21 22
	Schedule 6, part 5—	23
	<i>insert—</i>	24
	36 Development for particular infrastructure under Corrective Services Act 2006	25 26
	Development for infrastructure mentioned in the <i>Corrective Services Act 2006</i> , section 267A(1) on the following lots—	27 28 29

[s 32]

	(a) lot 2 on SP257634;	1
	(b) lot 57 on SP277218;	2
	(c) lots 74 to 78 on Crown Plan E124236;	3
	(d) lot 145 on Crown Plan LN2427.	4
Clause 32	Amendment of sch 7 (Accepted development)	5
	Schedule 7, part 4—	6
	<i>insert</i> —	7
	15 Development for particular infrastructure under Corrective Services Act 2006	8
	Development to which schedule 6, section 36 applies.	9
		10
		11
Part 7	Amendment of Police Powers and Responsibilities Act 2000	12
		13
Clause 33	Act amended	14
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	15
	<i>Note</i> —	16
	See also the amendments in schedule 1, part 2.	17
		18
Clause 34	Amendment of s 39H (Safeguards for exercise of powers)	19
	(1) Section 39H(3)—	20
	<i>omit</i> .	21
	(2) Section 39H(4) to (7)—	22
	<i>renumber</i> as section 39H(3) to (6).	23

Clause 35	Amendment of s 502 (When forensic examiner may be asked to perform forensic procedure)	1 2
(1)	Section 502(2) and (3)— <i>omit.</i>	3 4
(2)	Section 502(4)— <i>renumber</i> as section 502(2).	5 6
Clause 36	Amendment of s 517 (Help with, and use of force for, performing forensic procedure)	7 8
(1)	Section 517(3)— <i>omit, insert—</i>	9 10
(3)	Subject to this section, if it is reasonably practicable, the helper must be—	11 12
(a)	a doctor, dentist or forensic nurse examiner; or	13 14
(b)	a person of the same gender as the person undergoing the procedure.	15 16
(3A)	If the helper is not a doctor, dentist or forensic nurse examiner, the person who is to undergo the procedure must be given—	17 18 19
(a)	an explanation of the procedure; and	20
(b)	a reasonable opportunity to express a preference about the gender of the helper.	21 22
(3B)	A preference must be accommodated unless—	23
(a)	there are reasonable grounds to believe the preference is expressed for an improper purpose; or	24 25 26
(b)	there is a significant risk of evidence being lost or destroyed if the procedure is delayed to accommodate the preference; or	27 28 29
(c)	it is not reasonably practicable to accommodate the preference.	30 31

[s 37]

	(3C) If it is not reasonably practicable to accommodate the preference or if no preference is expressed, a helper may be chosen to address a concern related to gender in a way that minimises embarrassment and offence.	1 2 3 4 5
	(2) Section 517(3A) to (4)— <i>renumber</i> as section 517(4) to (7).	6 7
Clause 37	Insertion of new s 519A	8
	After section 519—	9
	<i>insert</i> —	10
	519A Gender safeguard for photographing breasts	11
	(1) This section applies to a non-intimate forensic procedure that—	12 13
	(a) consists of photographing a person’s breasts; and	14 15
	(b) is performed by a qualified person who is not a doctor or forensic nurse examiner.	16 17
	(2) Subject to this section, the person taking the photograph must, if reasonably practicable, be of the same gender as the person being photographed.	18 19 20 21
	(3) The person to be photographed must be given—	22
	(a) an explanation of the process; and	23
	(b) a reasonable opportunity to express a preference about the gender of the person taking the photograph.	24 25 26
	(4) A preference must be accommodated unless—	27
	(a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or	28 29 30

	(b) it is not reasonably practicable to accommodate the preference.	1 2
	(5) The photograph may be taken by a person authorised by the qualified person to take the photograph if reasonably necessary—	3 4 5
	(a) to ensure that the person taking the photograph and the person being photographed are of the same gender; or	6 7 8
	(b) to accommodate a preference expressed by the person; or	9 10
	(c) to address a concern related to gender in a way that minimises embarrassment and offence.	11 12 13
Clause 38	Amendment of s 552 (Power to inspect entrant’s belongings)	14 15
	Section 552(3)—	16
	<i>omit.</i>	17
Clause 39	Amendment of s 553 (Safeguards for inspection of entrant’s belongings)	18 19
	(1) Section 553, heading, ‘Safeguards’—	20
	<i>omit, insert—</i>	21
	General safeguards	22
	(2) Section 553(1)(c)—	23
	<i>omit.</i>	24
Clause 40	Insertion of new s 553A	25
	After section 553—	26
	<i>insert—</i>	27

[s 40]

- 553A Gender safeguard for inspection of entrant's belongings** 1
2
- (1) This section applies if, under section 552(2)(e), a 3
police officer or protective services officer asks a 4
person to allow the officer, or another adult 5
assisting the officer, to touch a garment the 6
entrant is wearing for the purposes of the officer 7
inspecting the entrant's belongings. 8
- (2) Subject to this section, the person touching the 9
garment must, if reasonably practicable, be of the 10
same gender as the entrant. 11
- (3) The entrant must be given— 12
- (a) an explanation of the inspection process; 13
and 14
- (b) a reasonable opportunity to express a 15
preference about the gender of the person 16
who is to touch the garment. 17
- (4) A preference may be expressed in a way that 18
would require different persons to touch a 19
garment on the upper body, lower body or head of 20
the person. 21
- (5) A preference must be accommodated unless— 22
- (a) there are reasonable grounds to believe the 23
preference is expressed for an improper 24
purpose; or 25
- (b) it is not reasonably practicable to 26
accommodate the preference. 27
- (6) Without limiting the power under section 28
552(2)(e) for an adult to assist the officer, the 29
officer may ask an adult to assist if reasonably 30
necessary— 31
- (a) to ensure that the person touching the 32
garment and the entrant are of the same 33
gender; or 34

	(b) to accommodate a preference expressed by the entrant; or	1 2
	(c) to address a concern related to gender in a way that minimises embarrassment and offence.	3 4 5
	(7) Also, the officer may touch the garment despite the officer not being of the same gender as the entrant if, in the circumstances, that is the most appropriate way to address a concern related to gender.	6 7 8 9 10
Clause 41	Amendment of s 624 (General provision about searches of persons)	11 12
	Section 624(2)—	13
	<i>omit.</i>	14
Clause 42	Insertion of new s 624A	15
	After section 624—	16
	<i>insert—</i>	17
	624A Gender safeguard for searches of persons	18
	(1) This section applies to a search of a person conducted by a police officer.	19 20
	(2) This section does not apply if an immediate search of the person is necessary.	21 22
	<i>Example—</i>	23
	An immediate search may be necessary because it is reasonably suspected that the person may have a bomb strapped to the person’s body or a concealed firearm or knife.	24 25 26 27
	(3) Subject to this section, the person conducting the search must, if reasonably practicable, be of the same gender as the person being searched.	28 29 30
	(4) The person to be searched must be given—	31

[s 42]

- (a) an explanation of the search process; and 1
- (b) a reasonable opportunity to express a preference about the gender of the person who is to conduct the search. 2
3
4
- (5) A preference may be expressed in a way that would require different persons to search the upper body, lower body or head of the person. 5
6
7
- (6) A preference must be accommodated unless— 8
 - (a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or 9
10
11
 - (b) it is not reasonably practicable to accommodate the preference. 12
13
- (7) The search or part of the search may be conducted by a different police officer, or under the direction of the police officer by a person who is not a police officer, if reasonably necessary— 14
15
16
17
 - (a) to ensure that the person conducting the search and the person being searched are of the same gender; or 18
19
20
 - (b) to accommodate a preference expressed by the person being searched; or 21
22
 - (c) to address a concern related to gender in a way that minimises embarrassment and offence. 23
24
25
- (8) Also, the police officer may conduct the search or part of the search despite not being of the same gender as the person being searched if, in the circumstances, that is the most appropriate way to address a concern related to gender. 26
27
28
29
30

Clause 43	Amendment of s 630 (Protecting the dignity of persons during search)	1 2
	Section 630(2), example, ‘of the opposite sex and by anyone’—	3 4
	<i>omit.</i>	5
Clause 44	Amendment of s 632 (If video cameras monitor place where person is searched)	6 7
	Section 632(1), from ‘, unless the person’ to ‘being searched’—	8 9
	<i>omit.</i>	10
Clause 45	Amendment of s 644 (Watch-house officer may ask entrant to remove outer garment etc.)	11 12
	(1) Section 644(2)—	13
	<i>insert</i> —	14
	(da) allow the watch-house officer, or another adult assisting the officer, to touch the garments the entrant is wearing for the purpose of the officer inspecting the entrant’s belongings;	15 16 17 18 19
	(2) Section 644(2)(da) to (f)—	20
	<i>renumber</i> as section 644(2)(e) to (g).	21
	(3) Section 644(3)—	22
	<i>omit.</i>	23
	(4) Section 644(4)—	24
	<i>renumber</i> as section 644(3).	25
Clause 46	Insertion of new s 644A	26
	After section 644—	27
	<i>insert</i> —	28

[s 46]

644A Gender safeguard for inspection of entrant's belongings	1 2
(1) This section applies if, under section 644(2)(e), a watch-house officer asks an entrant to allow the officer, or another adult assisting the officer, to touch a garment the entrant is wearing for the purpose of the officer inspecting the entrant's belongings.	3 4 5 6 7 8
(2) Subject to this section, the person touching the garment must, if reasonably practicable, be of the same gender as the entrant.	9 10 11
(3) The entrant must be given—	12
(a) an explanation of the inspection process; and	13 14
(b) a reasonable opportunity to express a preference about the gender of the person who is to touch the garment.	15 16 17
(4) A preference may be expressed in a way that would require different persons to touch a garment on the upper body, lower body or head of the person.	18 19 20 21
(5) A preference must be accommodated unless—	22
(a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or	23 24 25
(b) it is not reasonably practicable to accommodate the preference.	26 27
(6) Without limiting the power under section 644(2)(e) for an adult to assist the officer, the officer may ask an adult to assist if reasonably necessary—	28 29 30 31
(a) to ensure that the person touching the garment and the entrant are of the same gender; or	32 33 34

	(b) to accommodate a preference expressed by the entrant; or	1 2	
	(c) to address a concern related to gender in a way that minimises embarrassment and offence.	3 4 5	
	(7) Also, the officer may touch the garment despite the officer not being of the same gender as the entrant if, in the circumstances, that is the most appropriate way to address a concern related to gender.	6 7 8 9 10	
Clause 47	Insertion of new ch 24, pt 26	11	
	Chapter 24—	12	
	<i>insert—</i>	13	
	Part 26	Validation provision for Police Powers and Responsibilities and Other Legislation Amendment Act 2024	14 15 16 17 18
	899 Validation of watch-house entrant inspections	19	
	(1) An inspection of a person’s belongings under former section 644 involving the touching of a garment the person was wearing is, and is taken to have always been, as valid as it would have been if, at the time it was carried out, new section 644 was in force.	20 21 22 23 24 25	
	(2) In this section—	26	
	<i>former section 644</i> means section 644 as in force before the commencement.	27 28	
	<i>new section 644</i> means section 644 as in force from the commencement.	29 30	

[s 48]

Clause 48	Amendment of sch 6 (Dictionary)	1
(1)	Schedule 6, definitions <i>DNA sample</i> , paragraph (a)(iii) and <i>intimate forensic procedure</i> , paragraph (b)(ii)(C), ‘if the person is a female—’—	2 3 4
	<i>omit.</i>	5
(2)	Schedule 6, definition <i>identifying particulars</i> , paragraph (g), ‘, for a female,’—	6 7
	<i>omit.</i>	8
(3)	Schedule 6, definition <i>intimate forensic procedure</i> , paragraph (a), ‘, for a female, breasts,’—	9 10
	<i>omit, insert—</i>	11
	breasts	12
(4)	Schedule 6, definition <i>intimate forensic procedure</i> , paragraph (a)(iii)—	13 14
	<i>omit.</i>	15
(5)	Schedule 6, definition <i>intimate forensic procedure</i> , paragraph (a)(iv) and (v)—	16 17
	<i>renumber</i> as paragraph (a)(iii) and (iv).	18
(6)	Schedule 6, definition <i>intimate forensic procedure</i> —	19
	<i>insert—</i>	20
	(ab) photographing a person’s external genital or anal area or buttocks;	21 22
(7)	Schedule 6, definition <i>intimate forensic procedure</i> , paragraphs (ab) and (b)—	23 24
	<i>renumber</i> as paragraphs (b) and (c).	25

Part 8	Amendment of Public Health Act 2005	1 2
Clause 49	Act amended	3
	This part amends the <i>Public Health Act 2005</i> .	4
Clause 50	Amendment of s 157Z (Requirements for personal search)	5 6
	Section 157Z(2)(a)—	7
	<i>omit, insert—</i>	8
	(a) to the extent reasonably practicable—	9
	(i) the person has been given an opportunity to express, and has expressed, their preference about the gender of someone carrying out the search (the <i>gender preferred</i> by the person); and	10 11 12 13 14 15
	(ii) the gender of the searcher is the gender preferred by, or otherwise the same gender as, the person; and	16 17 18
Clause 51	Amendment of s 157ZA (Requirements for search requiring the removal of clothing)	19 20
	(1) Section 157ZA(2)—	21
	<i>omit, insert—</i>	22
	(2) To the extent reasonably practicable, the gender of each person carrying out the search (each <i>searcher</i>) must be the gender preferred by, or otherwise the same gender as, the person being searched.	23 24 25 26 27
	(2) Section 157ZA—	28
	<i>insert—</i>	29

[s 52]

	(7) In this section—	1
	<i>gender preferred</i> , by the person being searched,	2
	see section 157Z(2)(a)(i).	3
Part 9	Amendment of Summary Offences Act 2005	4 5
Clause 52	Act amended	6
	This part amends the <i>Summary Offences Act 2005</i> .	7
	<i>Note—</i>	8
	See also the amendments in schedule 1, part 2.	9
Clause 53	Amendment of pt 2, div 4, hdg (Offences relating to children or minors)	10 11
	Part 2, division 4, heading, ‘children or’—	12
	<i>omit.</i>	13
Clause 54	Amendment of s 18 (Particular body piercing of minor prohibited)	14 15
	Section 18(1)(a) to (c)—	16
	<i>omit, insert—</i>	17
	(a) the external genitalia of a minor; or	18
	(b) the nipples of a minor.	19

Part 10	Amendment of Terrorism (Preventative Detention) Act 2005	1 2 3
Clause 55	Act amended	4
	This part amends the <i>Terrorism (Preventative Detention) Act 2005</i> .	5 6
	<i>Note—</i>	7
	See also the amendments in schedule 1, part 2.	8
Clause 56	Amendment of s 56 (Contacting family members etc.)	9
	Section 56(3), definition <i>family member</i> , paragraph (a), ‘or same-sex partner’—	10 11
	<i>omit.</i>	12
Part 11	Other amendments	13
Clause 57	Legislation amended	14
	Schedule 1 amends the legislation it mentions.	15

Schedule 1	Other amendments	1
	section 57	2
Part 1	Amendments commencing on assent	3
		4
	Corrective Services Act 2006	5
1	Section 180(2)(a)(i), ‘section 193(5)(b)’—	6
	<i>omit, insert—</i>	7
	section 193(6)(b)	8
2	Section 193B(5), note, ‘section 193(5)(a)’—	9
	<i>omit, insert—</i>	10
	section 193(6)(a)	11
3	Section 193C(2), ‘section 193(3)’—	12
	<i>omit, insert—</i>	13
	section 193(4)	14
	Victims of Crime Assistance Act 2009	15
1	Sections 68(1) and 84(1), ‘correctional’—	16
	<i>omit, insert—</i>	17
	corrective	18

Part 2	Amendments commencing by proclamation	1 2
	Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004	3 4
1	Amendment of various provisions	5
	Each of the following provisions is amended by omitting ‘his or her’ and inserting ‘the offender’s’—	6 7
	• section 22	8
	• section 29(2)(a)	9
	• section 53(1)(b)	10
	• section 54	11
	• section 56(1)	12
	• section 68(2)(e)(ii)	13
	• section 74A(1)	14
	• schedule 5, definition <i>reporting period</i> .	15
2	Sections 60 and 74(5)(a), ‘his or her’—	16
	<i>omit, insert—</i>	17
	the person’s	18
3	Section 61, note, ‘him or her’—	19
	<i>omit, insert—</i>	20
	the reportable offender	21
4	Section 64, ‘his or her’—	22
	<i>omit, insert—</i>	23

	the applicant's	1
5	Section 67A(a), 'he or she'—	2
	<i>omit, insert—</i>	3
	the person	4
6	Section 67I(6), 'his or her'—	5
	<i>omit, insert—</i>	6
	a	7
7	Section 68(1), 'on his or her behalf'—	8
	<i>omit.</i>	9
	Crime and Corruption Act 2001	10
1	Amendment of various provisions	11
	Each of the following provisions is amended by omitting 'his or her' and inserting 'the person's'—	12
		13
	• section 42(8)(a)	14
	• section 44(6)(a)	15
	• section 46(6)(a)(i)	16
	• section 100(1), example for paragraph (c)	17
	• section 106(1)(b)	18
	• section 108(2)(a).	19
2	Section 47(3), 'his or her'—	20
	<i>omit, insert—</i>	21
	the commissioner's	22

3	Section 48(3), ‘his or her’—	1
	<i>omit, insert—</i>	2
	the official’s	3
4	Section 106(1)(a)(i), ‘he or she’—	4
	<i>omit, insert—</i>	5
	that the person	6
5	Sections 175, 208(1) and 339(d), ‘his or her’—	7
	<i>omit, insert—</i>	8
	the officer’s	9
6	Section 180(1)(c), ‘inform himself or herself of anything in the way he or she’—	10
	<i>omit, insert—</i>	11
	be informed of anything in the way the presiding officer	12
		13
		14
7	Section 208(2), ‘himself or herself or someone else’—	15
	<i>omit, insert—</i>	16
	the officer or another person	17
8	Sections 208(2) and 209(1)(c), ‘his or her’—	18
	<i>omit, insert—</i>	19
	the	20
9	Section 238E(2)(a)(ii), ‘his or her appointment’—	21
	<i>omit, insert—</i>	22
	the appointment as chairperson	23

Schedule 1

10	Section 238J, ‘his or her capacity as’—	1
	<i>omit, insert—</i>	2
	the capacity of	3
11	Section 279A(1), ‘his or her functions as’—	4
	<i>omit, insert—</i>	5
	the functions of	6
12	Section 313(1), ‘he or she’—	7
	<i>omit, insert—</i>	8
	the commissioner	9
13	Section 314(4) and 317, ‘his or her’—	10
	<i>omit, insert—</i>	11
	the parliamentary commissioner’s	12
14	Section 408(6)(e), ‘he or she’—	13
	<i>omit, insert—</i>	14
	the person	15

Police Powers and Responsibilities Act 2000 16

1	Amendment of various provisions	17
	Each of the following provisions is amended by omitting	18
	‘harm to himself, herself or’ and inserting ‘self harm or harm	19
	to’—	20
	• section 29(2)(b)	21
	• section 30(1)(d)	22

•	section 31(5)(b)	1
•	section 32(1)(m)	2
•	section 691(3)(a)	3
•	section 695(1)(b).	4
2	Section 42(5), ‘his or her’—	5
	<i>omit, insert—</i>	6
	the passenger’s	7
3	Amendment of various provisions	8
	Each of the following provisions is amended by omitting ‘his or her’ and inserting ‘the person’s’—	9 10
•	section 42(6)	11
•	section 179C(3)(o), example	12
•	section 415(1)	13
•	section 420(5)	14
•	section 423(2)	15
•	section 431(3)	16
•	section 503(b)	17
•	section 624(1), example for subsection (1)(c)	18
•	section 630	19
•	section 632(3)(a)	20
•	section 637(1)(f)	21
•	section 744(2)	22
•	section 754(9), definition <i>emergency vehicle</i>	23
•	schedule 6, definitions <i>person with impaired capacity</i> and <i>question</i> .	24 25

Schedule 1

4	Amendment of various provisions	1
	Each of the following provisions is amended by omitting ‘he or she’ and inserting ‘the driver’—	2 3
	• section 102(1)(b)	4
	• section 103(1)(b)	5
	• section 111(2)(a)(i)	6
	• section 112(1)	7
	• section 113(1).	8
5	Amendment of various provisions	9
	Each of the following provisions is amended by omitting ‘he or she’ and inserting ‘the person’—	10 11
	• section 103(1)(a)(ii)	12
	• section 418(4)(b)	13
	• section 425(2)(c)	14
	• section 426(1)(a)	15
	• section 434(2)	16
	• section 437(6)	17
	• section 452(7)	18
	• section 474(2)(d)	19
	• section 490(2)(d)	20
	• section 503(c)	21
	• section 507(2)(b)	22
	• section 508(2)(a)	23
	• section 540(4)	24
	• section 627(3)(b)	25
	• section 767(1)(b)	26
	• section 768(1).	27

6	Sections 107, example and 772, example, ‘his or her’—	1
	<i>omit, insert—</i>	2
	the parent’s	3
7	Sections 168(1), 616(2)(b) and 637(2)(a)(i), ‘he or she’—	4
	<i>omit, insert—</i>	5
	the officer	6
8	Section 179B(a), ‘he or she’—	7
	<i>omit, insert—</i>	8
	the other person	9
9	Sections 179B(b), 474(4A) and 695(7), ‘his or her’—	10
	<i>omit, insert—</i>	11
	the	12
10	Section 364(1)(a), ‘him or her’—	13
	<i>omit, insert—</i>	14
	the officer	15
11	Sections 418(1) and 630(1)(a)(i), ‘he or she’—	16
	<i>omit, insert—</i>	17
	that the person	18
12	Section 418(1)(a), ‘person of his or her whereabouts and ask the person’—	19
	<i>omit, insert—</i>	20
	friend or relative of the person’s whereabouts and	21
	ask the friend or relative	22
		23

Schedule 1

13	Section 424(2)(d)(ii), ‘he or she’—	1
	<i>omit, insert—</i>	2
	the lawyer	3
14	Sections 430(c), 450(6) and 451(5), ‘he or she’—	4
	<i>omit, insert—</i>	5
	the child	6
15	Section 453(2)(b), ‘he or she’—	7
	<i>omit, insert—</i>	8
	the child or person	9
16	Sections 470(2)(b)(ii), 483(b)(ii) and 500(b)(ii), ‘his or her’—	10
	<i>omit.</i>	11
		12
17	Section 503(c)(i), ‘that person of his or her whereabouts and ask the person’—	13
	<i>omit, insert—</i>	14
	the friend or relative of the person’s whereabouts and ask the friend or relative	15
		16
		17
18	Section 504(4)(b), ‘indicated he or she would’—	18
	<i>omit, insert—</i>	19
	was expected to	20
19	Section 506(1)(a), ‘that he or she is willing and able’—	21
	<i>omit, insert—</i>	22
	a willingness and ability	23

20	Section 599(1), ‘his or her’—	1
	<i>omit, insert—</i>	2
	the coroner’s	3
21	Section 637(2) and (3), ‘his or her’—	4
	<i>omit, insert—</i>	5
	the officer’s	6
22	Section 755A(3), ‘he or she’—	7
	<i>omit, insert—</i>	8
	the owner	9
23	Section 779(1), ‘he or she’—	10
	<i>omit, insert—</i>	11
	the driver or owner	12
	Summary Offences Act 2005	13
1	Section 9, ‘his or her’—	14
	<i>omit, insert—</i>	15
	the person’s	16
2	Section 32(1)(a), ‘he or she’—	17
	<i>omit, insert—</i>	18
	the person	19

Schedule 1

3	Section 36(3)(a), ‘identify himself or herself as’—	1
	<i>omit, insert—</i>	2
	state that the officer is	3
4	Section 37(2), ‘he or she’—	4
	<i>omit, insert—</i>	5
	the Minister or chief executive officer	6
	Terrorism (Preventative Detention) Act 2005	7
1	Sections 38(6) and 40(4), ‘his or her’—	8
	<i>omit, insert—</i>	9
	the officer’s	10
2	Sections 45(6), 56(1), 59(4) and 60(11), ‘he or she’—	11
	<i>omit, insert—</i>	12
	the person	13
3	Section 51(3), ‘with him or her’—	14
	<i>omit.</i>	15
4	Sections 56(1) and 69(7) and (11)(b) and schedule, definition <i>ordinary search</i>, paragraph (a), ‘his or her’—	16
	<i>omit, insert—</i>	17
	the person’s	18
		19

5	Schedule, definition <i>ombudsman</i>, paragraph (b), ‘his or her’—	1
	<i>omit, insert—</i>	2
	<i>omit, insert—</i>	3
	the Ombudsman’s	4

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