

Proclamation No. 1 – Police Powers and Responsibilities and Other Legislation Amendment Act 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, Mark Ryan, Minister for Police and Community Safety provide this human rights certificate with respect to the proclamation made under the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024* (PPROLA Act).

In my opinion, the proclamation as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The proclamation commence parts 2, 4, 5, 7 to 10 and schedule 1, part 2 of the PPROLA Act. The provisions commenced by the proclamation:

- amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* in relation to the power to take photographs of reportable offender's breasts where necessary, including relevant safeguards;
- amend the *Crime and Corruption Act 2001* (CC Act) for the exercise of personal search powers and other minor amendments to remove gendered language;
- amend the *Mental Health Act 2016* and *Public Health Act 2005* to ensure gender-related needs can be considered during certain searches required to be undertaken in Authorised Mental Health Services and public sector health service facilities;
- amend the *Police Powers and Responsibilities Act 2000* (PPRA) for the exercise of powers relating to personal searches, inspections of persons' belonging, the performance of some forensic procedures requiring a helper and other minor amendments to remove gendered language;
- amend the *Summary Offences Act 2005*, *Terrorism (Preventative Detention) Act 2005*, and the legislation mentioned at schedule 1, part 2 to remove unnecessary gendered language.

The proclamation commences these sections on 24 June 2024.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 HR Act)

The proclamation commences the provisions of the PPROLA Act designed to amend primary legislation in order to ensure that all Queenslanders are equally recognised by law and afforded the same rights and protections, including personal search powers under the PPRA and CC Act.

Some of these amendments limit human rights, and the statement of compatibility that accompanied the amendments in the Police Powers and Responsibilities and Other Legislation Amendment Bill 2024 details how those amendments are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom under section 13 of the HR Act.

However, as the proclamation does not contain any substantive legislative provisions and is of a machinery nature, it does not raise any human rights issues.

Consideration of reasonable limitations on human rights (section 13 HR Act)

As the proclamation itself does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the HR Act.

Conclusion

I consider that the proclamation is compatible with the HR Act because it does not limit human rights.

MARK RYAN MP
MINISTER FOR POLICE AND COMMUNITY SAFETY

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