



COMMUNITY SAFETY AND LEGAL AFFAIRS COMMITTEE

Members present:

Mr PS Russo MP—Chair
Mr MA Boothman MP
Ms JM Bush MP
Mr JE Hunt MP
Mr JM Krause MP

Members in attendance:

Mr SSJ Andrew MP

Staff present:

Ms M Westcott—Committee Secretary
Ms E Lewis—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE QUEENSLAND COMMUNITY SAFETY BILL 2024

TRANSCRIPT OF PROCEEDINGS

Friday, 24 May 2024

Brisbane

FRIDAY, 24 MAY 2024

The committee met at 2.15 pm.

CHAIR: Good afternoon. I declare open this public briefing for the committee's inquiry into the Queensland Community Safety Bill 2024. My name is Peter Russo. I am the member for Toohey and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me here today are: Jon Krause, member for Scenic Rim and deputy chair; Mark Boothman, member for Theodore; Jonty Bush, member for Cooper; Jason Hunt, member for Caloundra; and Steven Andrew, member for Mirani, who is participating today with leave of the committee. Sandy Bolton, member for Noosa, is an apology because she is unwell.

The purpose of today's briefing is to assist the committee with its inquiry. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that departmental officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn your mobile phones off or to silent mode.

BROWN, Mr Tony, Executive Director, Policy and Performance Division, Queensland Police Service

DRANE, Mr Michael, Acting Deputy Director-General, Department of Youth Justice

GEE, Mr Bob, Director-General, Department of Youth Justice

GOLLSCHEWSKI, Mr Steve APM, Commissioner, Queensland Police Service

HALL, Mr Phil, Director, Youth Justice Legislation, Department of Youth Justice

IMPSON, Mr Jamie, Manager, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

JOSEPH, Ms Andrea, Manager, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

MUDRYK, Ms Jessica, Manager, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

O'MAY, Mr Justin, Director, Strategic Policy and Legislation, Department of Justice and Attorney-General

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legislation, Department of Justice and Attorney-General

ROBINSON, Ms Joanna, General Manager, Land Transport Safety and Regulation, Department of Transport and Main Roads

SHEARS, Mr Michael, Director, Strategic Policy and Legislation, Policy and Performance Division, Queensland Police Service

WILSON, Ms Melissa, Senior Director, Courts Reform—People and Culture, Court Services Queensland, Department of Justice and Attorney-General

CHAIR: I welcome representatives of the Queensland Police Service, the Department of Youth Justice, the Department of Justice and Attorney-General and the Department of Transport and Main Roads. I invite you to brief the committee with a five-minute statement.

Commissioner Gollschewski: I, too, respectfully acknowledge the traditional custodians of the land on which we meet, the Turrbal and Yagara people, and pay my respects to elders past, present and emerging. I thank the committee for the opportunity to appear and speak to the Queensland Community Safety Bill 2024 and answer any questions the committee may have.

I am joined today in the briefing by: Tony Brown, Executive Director, Policy and Performance, Queensland Police Service; Bob Gee, Director-General of the Department of Youth Justice; Michael Drane, Acting Deputy Director-General, Department of Youth Justice; Leanne Robertson, Assistant Director-General, Strategic Policy and Legislation, Department of Justice and Attorney-General; and Justin O'May, Director, Strategic Policy and Legislation, Department of Justice and Attorney-General. We are also joined by subject matter experts from our respective departments behind us who may assist with particular technical queries regarding issues within the bill, given the breadth of some of the issues we have to deal with.

I understand the committee has been provided with a written briefing to complement the bill and its explanatory notes, as well as departmental responses to submissions on the bill by the general public and relevant stakeholders. The purpose of the bill is to enhance community safety through initiatives outlined in the Community Safety Plan for Queensland. This bill achieves this objective by implementing measures to optimise law enforcement capabilities and efficiencies, improve crime prevention strategies and address key issues affecting public security and wellbeing.

I appreciate the time constraints the committee faces in this briefing. Consequently, I do not intend to provide detailed comment on all of the amendments in the bill. The significant reforms in the bill that will deliver efficiencies and tools for our frontline police to keep the community safe include: increasing penalties for dangerous operation of a vehicle causing death or grievous bodily harm; new offences for ramming vehicles and endangering police and increased penalties for damaging emergency vehicles; prohibiting posting and boasting on social media to reduce the retraumatisation of victims of crime; modernising document authentication and service requirements for police officers in line with contemporary business practice to improve accessibility and embrace digital technology; supporting efficiencies in police responses to domestic and family violence whilst maintaining protections for victim-survivors; allowing authorised corrective services officers to serve domestic and family violence documents to prisoners on behalf of police officers; introducing a new verification process in the Explosives Act 1999 for the purchasing of small arms ammunition; increasing the maximum penalty for the offence of possessing a knife in a public place or school; implementing Weapons Act amendments stemming from recommendations in the Queensland Audit Office report on the regulation of firearms by the QPS; and strengthening responses to road safety in Queensland for drink-driving and hooning behaviour to optimise frontline responses to these important responsibilities. I will also briefly address some of the more significant reforms in the bill from a police perspective.

The first reform I will speak to is firearm prohibition orders. Queensland is one of the few jurisdictions in Australia that is yet to introduce a firearm prohibition order scheme. The bill seeks to address the increasing risk of firearm related offences by introducing an FPO scheme in Queensland. An FPO prohibits an individual subject to the order from possessing, using or acquiring a firearm or firearm related item and empowers police officers to conduct warrantless searches of the individual, their vehicle or residence to ensure compliance with the order. Under this scheme, an FPO can be issued against high-risk individuals if the decision-maker is satisfied it is in the public interest to make the order.

Another reform is a new takedown scheme for online criminal content. The online criminal use of social media and online platforms by offenders, particularly young offenders, not only further traumatises victims but also encourages other offenders to commit offences. The bill will introduce a scheme whereby authorised members of the Queensland Police Service will be empowered to give notice to online social network providers to remove content that depicts a person engaged in certain prescribed offences. The takedown scheme will include provisions to enable the Queensland Police Service to apply to the Supreme Court for a civil penalty of up to \$1.5 million where the online social network provider does not comply with the notice.

I will move on to the expansion of Jack's Law. The bill will expand the existing Jack's Law framework, which provides officers with the authority and powers they need to detect weapons and respond to the prevalence of knife related crime that has all too often resulted in the tragic loss of life. The amendments in the bill will expand the prescribed public places to which the framework applies to include shopping centres and retail premises, sporting and entertainment venues, licensed premises and Queensland Rail train lines. The amendments will also postpone the expiration of the framework to 30 October 2026 so a fulsome, independent evaluation can be conducted to inform the continuation of a further expansion of the Jack's Law framework.

The Queensland Police Service is committed to preserving peace and good order in all areas of Queensland, protecting and supporting these communities, and preventing and detecting crime. I thank the committee for this opportunity today and welcome any questions. However, I understand Director-General Bob Gee would like to make an introductory statement.

Mr Gee: I also acknowledge the traditional owners and elders past and present. I will be very brief and talk on behalf of the other agencies represented here today. I thank the committee and acknowledge your deliberations and the work that you do. I also want to say that the amendments before you in the bill are a number of separate amendments each with its own context and driver, but taken as a whole they will increase efficiencies, reduce victimisation, protect the rights of the community and children in the system, increase community safety and increase confidence in the system, including the judiciary. An obvious example of that is the provisions related to the recording of telephone calls in youth detention centres. Over the last three or four years there have been over 80 instances where we have seen intelligence reports where young people have been involved in criminal behaviour. I would also add that the amendments to the Childrens Court are clearly designed to provide greater confidence in the system.

I would rather you have the opportunity to ask us questions, but, in case we forget, on behalf of all of us can we make a special thank you to the drafters and staff at the Office of the Queensland Parliamentary Counsel, whose work was extraordinary in terms of being able to deliver a bill. I also mention in particular all of those who made submissions. I have read the submissions and they go well beyond the scope of what is before you. Nonetheless, we take every submission in the good faith in which they are made. We take very seriously the concerns, ideas and calls for evidence-based approaches therein and intend to act on them outside the scope of the bill as best we can.

CHAIR: Thank you.

Mr KRAUSE: Thank you, Commissioner Gollschewski and Mr Gee, for your opening statements and thank you to everyone who is here. Both of you touched on the issue of consultation time and the period for submissions. I note that we published your response to submissions on Wednesday, so there has been limited time for everybody else, including committee members, to consider those responses. In your response to submitters, the QPS noted that the time frame for submissions and so forth was set by the committee. There has been a lot of correspondence about the consultation period, and in fact Mr Gee made reference to the extraordinary work of the drafters of this legislation. Was there enough consultation time given to prepare this, not only for members of the public but also within your department?

Commissioner Gollschewski: We are here today prepared to address you, as you see, with all of the briefings we have provided. Yes, it was challenging but we are ready to go. It is a matter for the government and the parliament to set those time frames. I would not comment any further on that.

Mr Gee: The only thing I would add is that it is always a matter of balance, but, in terms of the amendments to the Youth Justice Act, bar some work around principle 18, there were cabinet-in-confidence conversations with a range of stakeholders for a number of weeks—I cannot remember how many weeks, but it was quite a number of weeks—and some of the proposals, particularly those around the Women's Safety and Justice Taskforce et cetera, have been the subject of reports. Also I think the tabling of the Youth Justice Reform Select Committee and the government's response to that is instructive.

Mr KRAUSE: The commissioner mentioned the takedown provisions in terms of social media and digital outlets. Has the department or the QPS received advice about the enforceability of those provisions under Queensland law?

Mr Brown: We have received advice on that and we can apply those laws extraterritorially. It is not a problem.

Mr KRAUSE: So if something is on an international server, it can be enforced?

Mr Brown: That is the case.

Mr KRAUSE: Okay. I have a couple of questions in relation to the Weapons Act. If a firearms prohibition order is issued for someone and they have recognised associates, could you tell the committee if there are any statistics from other states that have similar laws to demonstrate how these provisions work and how many associates have had action taken against them? I think Western Australia might be an example.

Commissioner Gollschewski: I understand in most state jurisdictions there are similar regimes for firearm prohibition orders. The data I have is rolled up in terms of the numbers of orders given. I do not have the data that breaks down the associate actions that have been taken, but we can certainly try to find that. Do we have that?

Mr Brown: That information might not be publicly available from other jurisdictions. If it is, we will try to obtain it. If it is not, it might be beyond our scope to obtain it.

Commissioner Gollschewski: For instance, I know that New South Wales do not collect the data or present that so we are unable to get figures from New South Wales, despite them having a scheme. Certainly we have the rolled-up figures from the other jurisdictions. We can commit to looking at that as well.

Mr KRAUSE: Thank you for your answer; I understand it. On a slightly different tack, can an FPO be issued to someone who does not hold a weapons licence?

Commissioner Gollschewski: Absolutely.

Mr KRAUSE: Yes?

Commissioner Gollschewski: Yes. It is not aimed at a weapons licence holder who is acting in accordance with their weapons licence. In fact, by the time they would get to being considered for a firearm prohibition order they are likely to have exhibited behaviour that would have caused their weapons licence to be cancelled through the normal course of events or, indeed, have undertaken offences and been convicted of offences that would prohibit them from having a weapons licence. They are very much aimed at the worst of our high-risk offenders. We are talking typically about people who are involved in organised crime. It could be a terrorism threat or high-end, highly violent domestic and family violence perpetrators and we believe, in the public interest, it is necessary for them not to have a firearm in order to prevent violence being perpetrated.

Mr KRAUSE: Wouldn't they be prohibited from being a licence holder in any case?

Commissioner Gollschewski: Yes. That would prevent them from having a licence, but it would not prevent them from accessing firearms unlawfully. This is a regime targeted at giving us additional powers to address those high-risk offenders who may try to unlawfully access weapons.

Mr KRAUSE: They would not be able to get a licence in any case because of their offences or behaviour, but then they will get an FPO which will prevent them from accessing weapons illegally—but they would not be able to legally anyway?

Commissioner Gollschewski: No. The confusion there is that it is somehow linked to weapons licensing; it is not. It is about high-risk offenders who, in the public interest, having all things in consideration, are likely to commit violent offences potentially using firearms.

Mr KRAUSE: In relation to the Explosives Act and the ammunition verification system, does QPS have the ability to implement that system now? Are there any potential issues with implementation, particularly if the system goes offline? What is the cost of implementing that system?

Commissioner Gollschewski: The answer to the first question is, yes, we can. I will invite someone to provide some more detail.

Ms Mudryk: I can identify that we would be able to implement the amendments to the Explosives Act that would allow sellers of small arms ammunition to verify if a weapons licence is current and has not been revoked or suspended. Any verification system would need to be prescribed by regulation first in order for it to actually be applicable in this particular circumstance. Queensland already has an online verification scheme where a weapons licence holder's information can be verified to see if they have had their licence revoked or suspended. I am aware that there are some other jurisdictions that currently have a similar system that is publicly available, so a seller of small arms ammunition would be able to verify a purchaser from interstate to confirm they actually have authority to purchase that ammunition. It does allow for futureproofing in that if other jurisdictions also implement a similar scheme we will be able to add that by prescribing that particular system by regulation.

Mr KRAUSE: What if that system goes offline? How then does the verification system work?

Ms Mudryk: The particular offence does state that the system has to be available, for starters. It does include that the server needs to be available. The policy intent behind that is that if, for example, the weapons licensing system goes offline—where the seller needs to verify that the licence is valid—obviously it is not available so the offence would not apply.

Mr KRAUSE: So you can still sell ammunition if the system is offline?

Ms Mudryk: If it is not available because there is an issue with the Queensland Police Service, it is not applicable.

Mr KRAUSE: Thank you for that clarification. In relation to low-range drink-driving offences and the proposed penalties for a first offence for drink driving of motor vehicles over .05 but under .10, have the department and QPS considered outcomes that may occur in relation to this new offence, including increasing contested matters going to the court and any increase in SPER debts that may occur?

Commissioner Gollschewski: Specifically in relation to increased matters, we are seeing a regime that allows for it to be dealt with other than by going to court in the first instance so there is a reduction in overall court time. We tend to have pretty consistent rates in terms of people who will contest these sorts of things. That is reasonably predictable. We are in a period of increasing the number of prosecutors that we have, so increasing our capability in those areas of capacity. I will defer to the Department of Justice and Attorney-General to make any comments around the impacts on court. In terms of the increased SPER debt, that is something I am not in a position to particularly comment on but we have here a representative of DTMR if they wish or need to make any comment.

Mr KRAUSE: I would be interested in their views.

Ms Robinson: What we are looking at in relation to low-range drink driving is about 5,000 offences a year. We are only looking at it for open licence holders and anybody who has not had a drink-driving offence for the past five years. It is a small number. Obviously, they still have the ability to go to court and some of those may go to SPER, but it is certainly a small number generally.

Mr KRAUSE: You do not have a forecast or modelling?

Ms Robinson: It is a little bit hard. We can certainly take that question on notice and see what our current figures are in relation to drink driving but, as you can appreciate, the current regime is around people going to court. This is the first time we are introducing PINs for low-level drink driving. I am happy to take that question on notice, though.

Mr KRAUSE: The last part of it—about modelling?

Ms Robinson: Yes, and what kind of percentage we might think based on modelling.

Mr KRAUSE: I refer to the changes to Childrens Court access. This has been the subject of quite a few of the submissions. Mr O'May, under the amended provisions, will media be automatically allowed into the Childrens Court unless an order is made?

Mr O'May: Yes. The provision is quite clear in that it says that accredited media entities will be enabled to be in the court unless an exclusion order is made subsequently.

Mr KRAUSE: An accredited media entity?

Mr O'May: Yes.

Mr KRAUSE: What does that mean?

Mr O'May: It is a concept which is found in a Supreme Court practice direction which talks to a number of requirements underneath the practice direction in order for the entity to become accredited. I can be very specific and take the question on notice. There are two parts to the practice direction in relation to media entities. From recollection, they are well-recognised media entities. There is a second part to the practice direction as well which relates to other people, and there is a separate accreditation process which must be gone through. If the member requires specifics, I can take the question on notice and send it out.

Mr KRAUSE: That would be very much appreciated, thank you. Is it expected that media will be in court more often than not?

Mr O'May: That is difficult for me to say. After hearing the proceedings this morning from Australia's Right to Know, I would hazard a guess and say perhaps.

Mr KRAUSE: On whose application would an order be made to exclude media?

Mr O'May: It can be the court's own motion. I will just consult the provision. It is on application by a party to the proceeding or on the court's own motion.

Mr KRAUSE: The court can, of its own volition, exclude media from proceeding?

Mr O'May: Yes. Under clause 112(4) there are a number of matters for the court to take into account before an exclusion order is made. One thing the court is to take into account under those provisions is any submission which might be made by someone who could be the subject of an exclusion order. In the circumstances where an accredited media entity could be excluded, it is anticipated that under the provisions the person affected—the entity—could make submissions as to why an order should or should not be made.

Mr KRAUSE: I take it that you heard Australia's Right to Know appear before the committee this morning?

Mr O'May: Yes.

Mr KRAUSE: They were concerned that the provisions provide a lot of arms that people could rely on to close the court to media and that new provision may simply lead to more applications and not so much access. How do you respond to that?

Mr O'May: With the way the provision is set out, there are two things to bear in mind when considering the provision: first of all, the grounds upon which an exclusion order can be made can only be made if necessary—if it is necessary to prevent prejudice to the proper administration of justice; or, secondly, if it is necessary for the safety of any person, including the child. That would be the first point I make in relation to the interpretation of the section. The second point I make in relation to the matters the court has to consider is that the principle of open justice is set out as being the primacy of the principle of open justice. In reading those matters which the court has to take into account, it is not just the principle of open justice; it is the fact that that principle is one of some primacy to the consideration for the court in whether to make an exclusion order.

In relation to the other matters that are set out, I would not necessarily say that each of them are swayed one way or another. I do bear in mind that the first of the youth justice principles is that the courts must recognise community safety when it comes to serious recidivist offenders. I would not necessarily agree with the categorisation given by Australia's Right to Know in relation to those particular matters. I also note two further things. One is, of course, that the court has to consider those submissions which were made in making the exclusion order. Also, the last of the matters the court can consider is any other relevant matter. It may be a matter which is very much strongly in favour of an exclusion order not being made.

I point out as well that the second of those matters is the public interest. The public interest in certain statutory contexts can be read in both ways. The public interest could be served best by having a journalist within the court. As I understand from ARTK's appearance earlier this morning, that was one of the things that they said was certainly in their favour. I guess that is a longwinded way of saying that I am not necessarily sure that I agree with the interpretation that was given this morning. The factors can weigh both for and against. It would depend on the circumstances.

Mr KRAUSE: Okay; thank you. Back to firearm prohibition orders, I wanted to ask a question specifically in relation to a rural context where firearm prohibition orders can be issued to individuals who may be the owner or manager of a property or an employee of a property and there has been concern raised that the issue of an associate of those people could lead to people being deprived of their firearms which are necessary for their line of work. Would someone like to comment on that concern, because I know it is a prominent one for many in rural Queensland?

Commissioner Gollschewski: I will start and then invite Jess up to give a more detailed explanation. Essentially with regard to a property owner who may employ someone, for instance, who has an FPO, there has to be an element of knowledge and association with that person in the fact that they have an FPO and they take no note of that in terms of how they are dealing with them. If, for instance, that employee has not declared anything and the owner of the property is unaware, there is no way they can be held accountable for that and be impacted by the regime. Obviously the public interest test would address that anyway, but, nonetheless, it is not designed for anyone who inadvertently is an associate of someone who is subject to a firearm prohibition order. There is a principle there, but I will throw to Jess to give a more detailed answer on how that actually works.

Ms Mudryk: The offences in relation to firearm prohibition orders are really directed at the person who is subject to the order. There is only one offence that may apply to somebody else, and that would be for supplying a firearm if someone is subject to a firearm prohibition order, but in order to be liable for that offence the person has to knowingly supply that. For example, if a farmer has an employee and they are not aware that the person is subject to an order and has unknowingly supplied a firearm, that person will not be liable for the offence, and that is an element of the offence. It is not a defence, so it is not something for the farmer to have to prove; it would be something for the prosecution to prove.

Additionally, whilst there is a lot of confusion regarding who is an associate of a recognised offender—because that is listed in the matters to be considered when assessing whether it is appropriate in the public interest to issue a firearm prohibition order—the definition of ‘recognised offender’ is actually quite specific. It does not apply to a person who has committed a minor offence, so a drug possession offence as an example. Really, it has to be in compliance with the definition of who is a recognised offender and there is a very specific list of offences that the person would have to have committed in the first place—for example, deprivation of liberty, threatening violence, going armed to cause fear, just to name a few—so that terminology is quite specific in its application to start with.

Building on what the commissioner has already identified, someone may be an associate of a recognised offender, but that does not mean that they would meet the relevant threshold of public interest to have an FPO made against them. For the example that you have provided, if a farmer has unknowingly employed someone who is subject to an FPO, a firearm prohibition order, there is some concern that they might be considered an associate. Even if they were theoretically to meet that relevant threshold, unless there was some issue with the actual farmer themselves—that they themselves are considered high risk, that the circumstances surrounding that individual person are serious enough to warrant the FPO—only then could an FPO be made against them.

Ms BUSH: First, I want to recognise Justin as the MVP of the day in giving up his chair constantly. Well done! I am glad we have some time with you. I might start with you perhaps, Bob, and start with naming the elephant in the room based on the submissions and what we have heard here today. There does seem to be a frustration from stakeholders that there are commitments to things like Closing the Gap and early intervention, prevention and diversion and then there are also reforms coming through that appear to threaten some of those principles. Then you also have the overlaying issue around the importance of doing some type of education piece for the public to help close that gap in understanding around what works in the criminal justice system in meeting both victims’ needs and offenders. Who is doing that work in the department to make that a bit more cohesive and to do that public education piece? It is a very broad question, so you probably were not thinking about that.

Mr Gee: It is true that there are amendments in this bill that are specific and taken as a whole talk about the sentencing framework but also, as an example, recording telephone calls. Most other jurisdictions have had that for a long time in those larger states such as New South Wales and other states. For me, though, the law is instructive and important and sends a message, but the literature and the science is clear that the causes and the impacts are associated with well-known risk and protective factors.

The recently announced community safety plan but more importantly the evidence leads us to the basics—from conception, zero to three, three to five and five to eight—around providing services for people so that those risks are taken out and protective factors are in place. They seem simple, but for the 900 children who rotate through detention centres over time what is common is that one in four of them have one or more parent in custody, 80 per cent or more substance abuse, increased use of methamphetamines, and 15 per cent or more—probably much more—have disability. They come from largely backgrounds where there is limited stable accommodation and the prevalence of violence and drug use is through the roof. For me, many of the submissions refer to this bill, but a lot of the content is actually focused on what we are doing around those risk and protective factors.

There was one thing I listened to this morning about outsourced service delivery. When I first came to Youth Justice five years ago there was very limited funding in that respect—about \$11 million. That is well over \$49 million just in the Department of Youth Justice which, frankly, is a small to medium sized department. Another example—and I am going to stop because it is largely in front of the youth justice select committee and I am conscious of your time—is the \$1.6 billion into mental health and the money into housing, and I think there will be more announcements in that space.

Whilst there is no doubt that we have a problem with a small cohort of 400 to 500 young people, the facts are that the community must be doing something right. There are 45 per cent fewer young people in the system than there were from 15 years ago, 30 per cent from 10 years ago and a 20 per cent reduction. That does not do one thing though if you are a victim, and we have spent many years of our lives so far dealing with victims. The change over the last few years to invest more in terms of victim support but also a victim-centric approach—and I will let the commissioner speak to that—is really important and I think the evidence is fairly clear. Thanks for the question.

Ms BUSH: Yes, and I agree with you, and I think that has been the frustration probably of some of the sector and even my own—that is, that those connected to it have watched that year-on-year decline and yet the perception is that it is happening more than ever, so there is just an education piece

that I think is really relevant. Leanne, are you able to give an update on the justice impact test work that is going on in the JRO? Does that just apply to JAG policy or does that apply broadly to any justice policy, including housing or health?

Mrs Robertson: Basically, the current phase that we are at in relation to the justice impact test is that we are gathering information and we are scoping and identifying potential options at a departmental level. Just to clarify for everybody here, the justice impact test was actually recommended by the Queensland Productivity Commission in their final report on the inquiry into imprisonment and recidivism, so it is used to evaluate the potential effects of proposed legislation, policies, programs or projects on the criminal justice system, particularly on the impact of demand and associated costs. There are obviously a lot of stakeholders that will need to be engaged with, so the Justice Reform Office in DJAG has done some consultation work in government as such on that space and also with the Independent Ministerial Advisory Council, IMAC, on areas in that space. Obviously the next steps would be that wider consultation piece, but that has not gone forth because we are just really at that consideration stage at the moment.

Ms BUSH: Awesome; thank you. Has there been any modelling or projections around how this bill may impact on watch house numbers or prison numbers?

Mr Gee: The science is clear that the offending behaviour, once young people have started offending, is centred around a number of domains. The only domain that we really cannot control is previous offending. The other domains, though, are around peers and relationships, support mechanisms and removing risk factors like the use of drugs. The programs that exist not just within my department but across all of the social services departments and that are provided by the NGO sector are the solution. Every child who has an order of a court in this state is subject to a case management approach where we use a well-regarded, best practice approach to assessing the child in terms of its needs and its needs particularly in terms of its risk around reoffending. That case management plan takes into account those risk factors and tries to put in place, as much as humanly possible, systems to provide protection around peers, drug use, housing and accommodation. There is an appropriate, in my view, place for detention in that space, and I know that some of you have gone through the youth detention centres and will have seen the health assessments and the psychologists who are there right through to young people leaving with a well-developed case management plan that often includes access to specialist health psych support. I hope that answers the question.

Ms BUSH: It does. There are some stakeholders here, however, whose submissions today suggested that the rewording of section 150 will invite or in fact may compel magistrates to lower the threshold of detention and elongate the sentence. Who has modelled that?

Mr Gee: I am not sure you could model that. All I could say is that the explanatory notes and the provisions themselves make it really clear that it is a clarifying principle. If I take the committee to page 12 of the explanatory notes, there is an important line there. It is the last paragraph—

Once a court has considered all options reasonably available, and if satisfied that other options are not appropriate in the circumstances, then detention can be imposed.

In fact, on my reading of it, the refusal of bail sat at around 25 per cent, so one in four young people who used to come before the court 10 years ago were refused bail. That is 35 per cent now, so the changes between 2021 and 2023 have resulted in a third of young people being refused bail whereas 10 years ago it was a quarter. Most importantly, if I can refer the committee to those explanatory notes, there is a footnote, and it is a very important footnote in my view—

See for example R v SDW [2022] QCA ...

I think it is instructive to read that case. I would say that it is almost hypothetical; it is a clarifying principle. The causes of crime and the impacts of offending are occurring in the community, so it is actually a job for services to be provided and for law enforcement to work with the preventive measures that we and others put in place to stop the offending. I do not think I can add any more than that.

Ms BUSH: I accept that.

Mr Gee: I should add that detention as a last resort was not within the Youth Justice Act, I think, for a period from around March 2014 to about the beginning of 2016. From memory, the number of young people sentenced to a detention order was 232 the year before it was introduced. It rose to 241, then 238 and the year it was removed was 232. There are so many variables in terms of offending behaviour. While detention as a last resort was removed in that period, very small numbers of young people in detention—it is a small population. I hope that helps the committee in terms of the data that I can provide.

Mr ANDREW: Has the QPS done any modelling around the implementation and the cost of this bill going forward, if we do go forward with it?

Commissioner Gollschewski: The entire bill?

Mr ANDREW: Yes, basically.

Commissioner Gollschewski: Obviously this links to the Community Safety for Queensland Plan and a number of those things have already been funded. That plan has gone out with announcements to do that and that supports a number of the initiatives that are in here. For instance, we are talking about detention of young people. There are already commitments for increasing capacity in that space in remand that are in play. Have we holistically brought the whole bill together and said that this is the overall cost of it? No, we have not.

Mr ANDREW: Jade Cleaver was here this morning talking about dealerships and the fact that there is no plan for succession if, for instance, a dealership licence was revoked because of the FPOs and whatever situation arises from that, and how the dealerships hold onto and store weapons to uphold the act with the QPS. Is anything in the bill going to allow for the succession of those businesses so they are able to keep running and do not have to close down as they try to find alternative storage?

Commissioner Gollschewski: We have Jess at the table and she has a mine of information.

Ms Mudryk: As identified earlier, the firearm prohibition order scheme is really not directed towards licence holders. I think it would be extremely unlikely we would ever find a licensed dealer being subject to an FPO. They would have lost their licence well before I think any of the circumstances would have been sufficient to warrant issuing an order against them. Although there is mention of someone having their licence revoked and having to surrender that in the FPO scheme, that is really just to identify that there may be people who have obtained their licence through fraud or deceptive means and it is really to cover those circumstances.

I really do believe it would be highly unlikely that someone who is able to function in the community as a professional business owner and who is operating a successful firearms dealer business would be considered so high in committing elements that are such a concern that it would be warranted to make a firearm prohibition order against them. It would be very unlikely that those circumstances would arise. Certainly, if someone is subject to a firearm prohibition order, they are able to appeal that order. If, for example, they were subject to a commissioner issued order, at the expiry of that order they would be able to reapply for a further application.

Commissioner Gollschewski: The other thing I would add is that the existing firearms licensing regime gives police already significant powers and enables us to really satisfy ourselves that both licensed weapon holders and dealers are operating within the law. As Jess said, it would be really unusual to think that someone could be of such a risk that we have not already picked up on that and taken action in the normal regime. There would have to be an element, you would think, of an organised crime/fraudulent type approach that has been well concealed for a period before that became an issue.

Mr ANDREW: There are things to do with the public interest around that. Is there a clear definition? You said you had a public interest thing that you apply.

Commissioner Gollschewski: It is important to remember that it is not just a Commissioner of Police authority that can be delegated within the police but also a court considering public interest. Courts are well practised at assessing public interest. There is significant case law in relation to this and considerable administrative law. There are details—and I will go to Jess shortly around some of the details—that give guidance as to what has to be considered. This is a well-used principle across government and in legal circles of how public interest is applied. We use it in many other instances. In fact, we use it within the Weapons Act already. Jess, would you like to add some detail?

Ms Mudryk: The test and the relevant threshold to issue a firearm prohibition order is public interest. Certainly, as the commissioner has identified, it is already a test that is widely adopted when considering whether to issue a weapons licence under section 10B of the Weapons Act. To ensure there is further guidance provided to decision-makers, there is a specific list of criteria that a decision-maker may have regard to when making an FPO. There is a separate list considered for children that does identify their special and unique circumstances, as well as for an adult.

As an example, matters that may be considered by a decision-maker could include whether the person is involved in a criminal or terrorist organisation, whether they have a relevant domestic violence history, whether they have a relevant criminal history, whether it is known that they have made online threats or threats to another person indicating that they may commit an offence or serious violent offence. With the guidance of those provisions that are spelt out in the act, it does ensure the

decision-maker is aware that it is really targeting high-risk individuals and identifies those matters that may be considered to help support that decision-making and that risk assessment regarding whether it is in the public interest to issue that order.

Mr HUNT: This question is probably for Mr Gee and the commissioner to comment on. Before I start, I would like to highlight to the commissioner that I represent an electorate on the Sunshine Coast. The Sunshine Coast is one of the safest communities in Queensland, if not Australia. A huge part of that is due to the exemplary work that the Sunshine Coast police do. I want to give them a shout-out in front of their boss and say nice things about them.

Commissioner Gollschewski: Thank you, member. I am a Sunshine Coast resident.

Mr HUNT: Well, then you are part of it so thanks very much. Some members of parliament are wrestling with the fact that, while crime statistics at youth and adult offender levels are coming down, the fear and anxiety about crime is going up. That is a phenomenon prevalent across the western world. If you highlight that, sometimes you get accused of being out of touch or denying that crime exists, which of course is a nonsense. A possible explanation that I have heard recently is that perhaps crime now is more graphic or more violent, which is leading to increased anxiety. Does that gel with your experience? Commissioner, I know that you have extensive experience in the police. Is it the lens of social media that highlights things that we would not otherwise have known about 20 years ago?

Commissioner Gollschewski: It is 'yes' to all of that. It is a real thing; a fear of crime is a real thing. As commissioner, one of the first things I did was to talk about our purpose as an organisation. I talked about making the community safer and feel safer. That is a real thing. There are many things that are at play in this. We have a complex operating environment that is continuing to change. We have seen seemingly more complex change since COVID and the impacts that COVID has had on our community as we go forward. We have certainly seen changes in offending.

Whilst we saw an up spike in crime in the previous reporting period released by the Queensland Government Statistician's Office—we saw that really significant rise in crime—we have seen a stabilisation of that and some reductions, but we are still seeing very serious offending happening. I will let Bob talk about youth offending because there are some real nuances around that and what that looks like in terms of discrete offenders and the types of offences. We are very concerned about that. We see that reflected in some of the bills here with what is called the ramming legislation. We have seen an increase in people targeting police and emergency vehicles violently. That is concerning. It does show changes in the offending that is happening.

There is no doubt that the online environment, the social media thing, has had an impact. It is having a broad impact on the way people are acting and our community's behaviour, including offending. It is something that we are going to have to be very sophisticated about and go to the literature and research to understand these things better because we need to understand the cause of these things before we can put in appropriate responses to them.

Mr Gee: I would add and work backwards from this: there is no doubt that there is a small group of young people in this state who have a whole range of characteristics that make them a danger to themselves and others. I commend law enforcement and the community for taking the action that they do to report that and to be as patient as they have been and not take things into their own hands.

That immediate problem, as I can see the figures, tells us that the ramping up, for want of a better term, or the amendments in legislation over the last number of years, particularly 2021 and 2023, have resulted in more young people in custody. Queensland has more young people in detention by sheer number, according to the RoGS data, than if you combine New South Wales, Victoria, South Australia, the ACT and Tasmania together. For all of the young people, according to the RoGS data, that number adds up to 284 on an average day in those jurisdictions—New South Wales, Victoria, ACT, Tasmania and South Australia—and it is 285 in Queensland on an average day. It is old data; it is a year or two old. We have an average now of 310 a day.

There is an immediate problem around community safety. That is a matter for the police to prosecute and the courts to make decisions on. We need to deal with that immediate problem. The resources that my department and other agencies have been given over the past five years are an incredible increase because we are dealing with a generational problem—that is, the detention and immediate problem issue. What we see is an opportunity to hold the line and continue to invest at the very front end, from conception through. If we do not do that, it is predictable that this really small cohort—even though by proportion the number of young people is coming down—is going to continue to be difficult to deal with.

I would liken it to smoking once the community was educated. Going to an earlier question, it is really hard to get people, particularly if you are victim—and we have all been victims of crime, I think, or many of us at this table have—to take the time to think ahead about what best to invest in. It does not matter what I think; the evidence is very clear that, in prevention and early intervention, if the money is spent you get a better return on your money. However, I will not step away from the need for us to take the orders of the courts and to do the very best we can so that we reduce the number of victims.

Ms BUSH: I want to ask a follow-up question to the point raised by the member for Caloundra around the online space. Commissioner, when the member for Noosa and I were on the youth justice committee we received some really interesting information from your team around the work that DICE is doing. Are you able to talk a little to that?

Commissioner Gollschewski: Certainly. If I do not get it right, my team will correct me: it is the Digital Intelligence and Community Engagement team. That has been very successful. I will have some statistics that we will dig out shortly. It is really looking at that higher end offending online as well. Before I get to that, there is a shift in terms of how we are operating in the QPS, our operational focus. It started under the previous commissioner with Guardian and Unison, and now I have included Operation Whiskey Legion. These are operational focuses against those offenders who pose the most risk to our community. They are the ones who cause the most harm in our community. In addition to that, we have expanded on that with an increased attention to victims, including going back and closing the loop with victims. We are very focused on trying to make sure that the work we do and the operational effort we put in is against those who are most likely to harm our community.

It is improving, and I commend Director-General Gee's department for this because what we are doing better is identifying risk amongst young offenders and those we really need to give attention to, and it is a very collaborative approach across government to do that. It is a work in progress. It is going to take time to do this. What we know is that new offenders will come into that cohort as time goes by. We have to play a very long, patient game with this. We will see reductions if we can hold together on that. That is the first thing I want to say.

Mr Brown: Commissioner, I do have some statistics for you. Three hundred and eighty charges with the aggravating factor of advertising in relation to unlawful use of a motor vehicle have been preferred against 246 people. The DICE intelligence has resulted in 1,268 investigative leads since the team was stood up.

Commissioner Gollschewski: We are certainly looking at expanding that into the future, particularly with some of the amendments.

Ms BUSH: I cannot remember who it was, but I think one of the assistant commissioners gave us an update on the work they were doing around assessing community sentiments pre and post police intervention and getting some really good data out of that. It sounded like a great thing. The early intervention groups around the state are also doing fantastic work in that early intervention multi-team response. It is more a comment than a question.

Mr BOOTHMAN: Do we have available the clean-up rates for crimes in Queensland as a table for 2023? Potentially this might have to be a question on notice.

Commissioner Gollschewski: Yes, we can. Do we publish that?

Mr Brown: There is publicly available data.

Mr BOOTHMAN: The one I found was the year before. That was all I could find on the internet. The next question then goes to—

CHAIR: Can we just clean that one up first?

Commissioner Gollschewski: We will follow up on that. We have annual reporting and then we do year-to-date reporting as well. If we have the cleansed data on that, we will be able to share that with you.

Mr BOOTHMAN: I appreciate that.

Mr Brown: Clean-up rates, member, wasn't it?

Mr BOOTHMAN: Clean-up rates, yes—say, for robbery and burglary. My next question is to Mr Bob Gee. When youth are arrested in Queensland and they are taken to a police station, are their fingerprints taken at all?

Mr Gee: That is actually a question for the Police Commissioner. It depends on the nature of the offence. We could give the whole committee a bit of a snapshot out of session to save time. Did you want to comment?

Commissioner Gollschewski: As a matter of practice, our officers are instructed in terms of what the law allows for particulars they can take depending on the offences. This will come down to what charges are being preferred and how the young person is being dealt with—whether they are charged or whether they are given something else. That will be a case-by-case consideration. As I understand it, the powers exist for not only fingerprints but also any other particulars we would need to do.

Mr BOOTHMAN: My next question is to do with the terminology of ‘glorifying unlawful conduct’. My question is about internet providers in terms of social media and also media agencies. For instance, friends of a person who has committed a crime see that their mate has now made it into the *Gold Coast Bulletin* or the *Courier-Mail* in an article about what they were doing a few weeks ago or a week ago or whatever it may be. Would that cause issues under this legislation if that information is shared and glorified by those individuals? Would that cause issues for the media agencies?

Commissioner Gollschewski: Not for the media agencies. I will let Jamie give a more detailed explanation.

Mr Impson: The advertising offence is targeted at the person who publishes the information themselves. Only the person who publishes that information can be convicted of that offence. There is a reasonable excuse as part of that, and there is a clear provision in the statute that provides that the journalist who is acting in the course of journalism does not commit the offence.

Mr BOOTHMAN: The response from the police department to a question from Australia’s Right to Know said that it was ‘unlikely’ that material was going to be caught up in it. A lot of websites will use social media to advertise their stories. If the *Courier-Mail* puts it on Facebook then that is advertised onto multiple sites glorifying that, but there are still protections for that media agency?

Mr Impson: There are two schemes within the bill. There is one which creates a new standalone advertising offence under the Summary Offences Act, which is targeted to the person who publishes the material. There is also a scheme that enables the removal of online criminal content. Some submitters such as the Australia’s Right to Know coalition did raise concerns that material published by a journalist may be captured by the removal of online criminal content scheme. It is not the intention that journalistic material could be the subject of a removal notice. As the coalition acknowledged in its submission, journalistic material is unlikely to meet the purpose element—that is, it was not published for the purpose of glorifying the content or increasing the person’s reputation or another person’s reputation because of their involvement in the conduct. Unless an authorised officer suspects that a person posted the material on the online service for either of those purposes, they cannot issue a removal notice in respect of that material.

Mr BOOTHMAN: My next question will be to the commissioner. When it comes to hooning offences and individuals potentially riding along—say, they are attending a hooning meet or whatever they call themselves—would they come under mens rea, or a guilty mind, under common law? If they were in attendance, could they get tied up in this legislation?

Commissioner Gollschewski: The nuance on this is that, for instance—and it might be better to explain it through an example. If there is a hooning event and I am incidentally passing through and see what is happening there, no. If I become part of that event including as a spectator—so I am staying there and watching and becoming part of the rent-a-crowd, for want of a better phrase—yes, I could potentially get caught up in that. What it removes is this concept that you somehow have to do an overt act of cheering, waving or whatever. The evidence would have to show that they were actively standing there, observing, being part of the spectator group, being part of the broader group, not someone who was going about their daily business and just happened to pass through. I do not know if the team need to add anything to that?

Mr Impson: I can elaborate a little bit. The definition of ‘spectate for a hooning group activity’ in the new offence ‘does not include, for a person moving through or past the place where the activity is being carried on, stop momentarily to watch the activity before moving on’. It does require the person to stay at the place on purpose.

Commissioner Gollschewski: We would be required under the law to be able to prove that to meet the threshold for that offence.

Mr ANDREW: Is there anything in the bill to address vexatious claims—claims accusing people for whatever—or do you just go through your standard procedures?

Commissioner Gollschewski: We have broader false complaint type provisions in the law generally. That would still apply. It is a matter for us as an investigating authority to make sure we do proper investigations, but if it becomes apparent that it is a vexatious complaint then it is a matter to what level is that excess from there: have they committed offence?

Ms BUSH: Some of the submitters talked a little bit about the expansion of wandering and the importance of doing that and some of the positives that have come from the detection of serious weapons but also recognising that sometimes young people were captured with maybe minor drugs on them. How does that work operationally? We want to have those conversations with young people and perhaps refer them but we do not want to overcriminalise those people.

Commissioner Gollschewski: There is probably a sequence of events. A wandering initially is random in an area where it has been authorised for the wandering to take place, meeting the requirements of the act. Our officers initially will wand. If there is no detection, that is it. Obviously if they get a detection in the wandering process—there is no contact in that; it is to be done as contactless as reasonably can be—then there is a process where they would ask people to empty their pockets. If they refuse then that is when the search powers and those sorts of things can kick in.

What you can end up with is a situation of an operator operating in a lawful way, conducting an authorised search, has a chance discovery of an illicit substance. As is the principle under law, that sort of thing kicks into gear. That has long been part of the way we have operated. Police historically have taken out search warrants for a particular offence that they are investigating and found evidence of other offences. There are then rules of law that they have to follow. Of course they can take appropriate action. Then the legislation in relation to that offence will kick in and they will have to follow that.

The other thing around all of this is that these are all subject to overview. Of course we are doing the evaluation of this entire trial. That will look at all of those, and there has already been an evaluation. Our officers are trained in this. They are trained how to do these things. They are trained to deal with this. I can recall doing it myself—how to deal with a chance discovery and what you have to do in that space. That will be the reality of doing some of this work, that that type of incident will happen from time to time.

Ms BUSH: Does the legislation allow for reasonable suspicion and you can wand? If it comes back as a negative response, does that then provide broader scope to ask for the emptying of pockets? I guess what I am saying is that, prior to having the wandering legislation, if there was a young person walking past and you might have wanted to look in their pockets and you had no reason—I am curious now.

Commissioner Gollschewski: No. It is my understanding that it is intended to be random. They are not to target any particular group or otherwise. In the initial evaluation there were some concerns about that that we have had to address through training and approach how we do that. It is very much that the wandering process is to identify any weapons and it is not intended to be used and cannot be used as an alternative to finding a reason to search someone you might be suspicious about for other reasons. They should be following the law that applies to that particular suspicion, whatever that may be.

Ms BUSH: The asking of someone to turn out their pockets would be because you believe they have a weapon that was not detected?

Commissioner Gollschewski: What would happen is that they would wand and they would get a signal.

Ms BUSH: It is only when they get a signal that they do that. Sorry, that was my misunderstanding.

Commissioner Gollschewski: When they get a signal, they would ask them to empty their pockets. If they refuse then they have the authority and the powers to search—

Ms BUSH: Now I understand. Thank you.

Mr Brown: I think the other important point to make is that the Police Drug Diversion Program has recently been extended—only two weeks ago. Someone who is caught with a small amount of illicit drug is now diverted to a health response, not a criminal justice system response.

Ms BUSH: That is fantastic. Actually somebody mentioned today that they felt that our—sorry, I am going to let it go.

Mr KRAUSE: Well done keeping order there, Chair. The delay in weapons licensing matters is something that has regularly come across my desk as an MP over a number of years.

Mr Brown: Scope of the bill.

Mr KRAUSE: Sorry?

Mr Brown: I was just saying it is outside the scope of the bill. Any questions about weapons licensing processing is not part of this bill.

Mr KRAUSE: I have not asked a question yet.

Mr Brown: No. I was just making the comment.

Commissioner Gollschewski: He jumped in there. He is eager.

CHAIR: He is anticipating. He would be a good chess player.

Mr BOOTHMAN: He has just declared his hand, though.

Mr KRAUSE: This bill will potentially put more work onto the Weapons Licensing branch. Will this make issues of delays in licensing worse?

Commissioner Gollschewski: I will bring Jess up and get her to give the detail. In terms of the Firearm Prohibition Order Scheme, no. The way that will operate is very much in the investigative space. It is based around, as I said, people who are considered high risk in our community whom we need to have controls around—so those who are most likely to perpetrate violence—so no. Obviously there will be requests going into Weapons Licensing for details around anything that may have happened in the past. In terms of some of the other amendments, I understand that that will help make things more efficient to some degree.

Ms Mudryk: Yes. The Firearm Prohibition Order Scheme that is in this bill is quite different and distinct from the amendments that are made to the Weapons Act in relation to weapons licensing and decision-making specifically regarding that—so it is sections 10B and 10C. The Queensland Audit Office report provided an audit report called *Regulating firearms* back in, I believe, 2021 which identified that the weapons licensing unit could have more effective and efficient decision-making processes that would better promote public safety. The amendments in this bill will help support that initiative and are introduced in line with the recommendations in that Queensland Audit Office report. The actual operation of licensing decision-making should be more efficient with the amendments in this bill because it will assist decision-makers in making sure they are quite clear on who is a fit and proper person and who is not a fit and proper person. Most likely in operation there will be little tangible impact on weapons licensing decision-making.

I understand that there were some issues or concerns raised regarding the class A, class B and class C offences that are listed in the bill that do support decision-making regarding whether someone is fit and proper. However, anyone who has committed an offence in those categories would most likely already be considered not fit and proper under the discretionary element of the test in section 10B(1) or section 10C(1). This really makes clear to the public and also to authorised officers who are making those weapons licensing decisions that that person is not fit and proper. Certainly we are hoping that this will make the decision-making process more efficient and more effective and support the weapons licensing unit in reducing those time frames when they are considering applications

Mr KRAUSE: Thank you for that answer. Even though apparently it was outside the scope of the bill, it seems you were prepared. I do have another question on a slightly different topic, possibly for our subject matter expert as well, and that is in relation to a submission made by AgForce which we have agreed to publish—but it was only this morning that we agreed to publish it. They raise concerns that the carrying of prohibited items, such as pocketknives, in a public place where they are visible can result in an FPO. This includes items carried in a car or on a belt. They make a point that the definition of a public place is so broad that it encompasses everywhere other than a private dwelling. There are a range of other issues in AgForce's submission which in due course we will send to you as well, I think.

CHAIR: You do not need to think. It is happening.

Mr KRAUSE: Okay, good. In relation to knives in public places and how that might lead to an FPO, are you able to give the committee some information about that concern raised by AgForce?

Ms Mudryk: Yes, thank you. I do believe one of the submissions actually raised that concern as well. I cannot recall which. In reviewing that submission, it is unclear what the submitter is referring to because that is not a matter that is listed in the matters of consideration. It is possible the submitter has not perhaps accurately interpreted the particular provision of the bill or it is not an accurate description of how the bill will actually operate.

I can perhaps bring the members' attention to part 5A of the bill. That is in clause 73, section 141E. That is the list of matters to be considered by the decision-maker when making a firearm prohibition order in relation to an adult. Whilst the test is obviously whether it is in the public interest, this particular provision provides that guidance to decision-makers. There is no mention in here in relation to possession of a knife in a public place, so it is quite unclear where the linkage is here to firearm prohibition orders. I can say that the bill does increase the penalty for possessing a knife in a public place under section 51, but that particular amendment and firearm prohibition orders are not connected in any way.

I can only guess or surmise what the submitter was referring to, noting some of the factors that are listed to be considered. There is particular mention, I believe, of ‘any other matter or information that indicates possession of a firearm or firearm related item by the individual would pose a risk to public safety or security’. Perhaps they believe it is caught up in that element—or perhaps ‘the individual’s behaviour, particularly violent or aggressive behaviour or behaviour involving the use of a weapon’. That might be the most likely link to that, but I cannot speak to it any further.

Commissioner Gollschewski: To add to that, there is an element of seriousness there. I think the simple carrying of a pocketknife in public would probably be unlikely to be an offence—even carrying a knife. People are lawfully allowed to carry knives for particular purposes. How else do you get them home from the shops when you buy them? There are obviously preclusions around that. If there was an offence where a knife was used that was quite serious—where it involved violence and involved threats or going armed to cause fear—certainly that would start to come into scope and then certainly public interest would be applied in that instance.

Mr KRAUSE: In relation to the sale of ammunition, the issue that we spoke about before and the registration, does that require an upgrade to IT systems for QPS?

Ms Mudryk: The system currently exists so it is readily available right now.

Mr KRAUSE: Does that speak to QPRIME?

Ms Mudryk: No, it is a publicly available system. Any dealer would be able to utilise and access it, and I understand many do. Certainly there would be many in the small arms ammunition industry that already, through good practice, are checking that. Certainly these amendments will formalise that good practice and ensure it is applied appropriately across the state.

Mr KRAUSE: Is there any interaction with QPRIME, the police database, which officers use?

Ms Mudryk: That might be an IT question.

Commissioner Gollschewski: We can get back to you with that, if you like.

Mr KRAUSE: That would be good, thank you.

Mr ANDREW: Porous borders was mentioned this morning by the Shooters Union and the smuggling of weapons from other jurisdictions and from overseas. Do you think this legislation will stop these big organised crime syndicates in these areas accessing weapons?

Ms Mudryk: The Firearm Prohibition Order Scheme is going to be another tool in the Queensland Police Service’s toolbox that they can use to tackle the illicit firearms trade. That is going to hopefully support us disrupting and deterring that type of offending. Noting that firearm prohibition order schemes already exist in nearly every jurisdiction in Australia, except for the ACT, it does, I think, create a possibility that Queensland might seem like a more inviting environment for that illicit firearm trade. Certainly by introducing this scheme we will better support the service in disrupting that type of offending.

Commissioner Gollschewski: It is important to remember that this is aimed at the people who would try to access firearms and are likely to commit violent offences. It is aimed at those persons who pose risk to the community, obviously in the hands of people who would do enormous damage with firearms. We know that we have a million firearms in Queensland and most of them are no problem at all, but if they are in the hands of the wrong person they become a major problem.

Mr ANDREW: I agree.

CHAIR: Does the legislation also have linkages to the powers the police can then have to search without warrant?

Commissioner Gollschewski: Yes. I will let Jess talk to that.

Ms Mudryk: That is the main element of the Firearm Prohibition Order Scheme. It is not to focus on revoking someone’s licences, because, as we indicated earlier, someone who is a high-risk person should not have a licence in these circumstances. It is really to ensure that police officers could conduct warrantless searches when reasonably required to ensure the person subject to the order is complying with the order. We are not expecting individuals subject to these orders to be law-abiding citizens, so you do require those extensive powers to disrupt, for example, an organised criminal syndicate that is trafficking in illicit firearms.

CHAIR: That is the linkage to the prohibition order.

Ms Mudryk: That is correct.

Ms BUSH: With the firearm piece of the bill, obviously a government priority is the protection of women in domestic and family violence situations. Can you summarise how this will contribute to better protections for any victim of DFV?

Ms Mudryk: Certainly. We do believe that the scheme will help support the Queensland Police Service in taking proactive action when we have been able to identify someone as a high-risk individual. The Queensland Police Service obviously has a lot of expertise in identifying those circumstances. Usually someone has demonstrated concerning behaviour which might be an escalation of domestic violence—they have already been subject to an order, there have been a number of breaches and the violence is escalating, they may have a history of committing firearm related offences—and that would certainly flag that that person may be appropriate to be subject to a firearm prohibition order. We would like to be able to hopefully reduce the number of firearms that are being utilised in the commission of DV offences because that has risen, unfortunately, over time.

Commissioner Gollschewski: This week we have run an operation called Shield in the Ipswich area where we have targeted high-risk-of-domestic-and-family-violence offenders, and 14 have been arrested and charged with serious offences. Under this regime, a number of them would be considered for that kind of control and it would add to the powers that we already have to be able to better mitigate the risk of these people taking violent action against their partners, their victims.

Ms BUSH: That is fantastic. I have spoken to victim-survivors for whom, even though a firearm has not been used to cause harm, the mere presence of a firearm and the access to it has enough of an effect as to strike fear and change that person's behaviour in a coercive controlling way, so it is a positive. Thank you.

Mr KRAUSE: In relation to electronic signatures, will all police stations and establishments have the ability to use electronic signatures under the amendments proposed in the bill?

Commissioner Gollschewski: That is a piece of technical work we will have to follow up. We obviously use them already. I use an electronic signature for certain things. There are available technologies around that. We will do the work to make sure that can be rolled out effectively and make sure it works for all of our members.

Mr KRAUSE: In relation to temporary transfers from watch houses to youth detention centres to facilitate participation in programs and physical exercise, does the QPS have the resources and staff to ensure this actually occurs in reality?

Commissioner Gollschewski: Youth Justice will transport those. We work very collaboratively with Youth Justice. I will throw to the director-general shortly. We are very confident that we can manage that. There are pressures on the system, but, as we have said, there is more accommodation coming online. It is being built at the moment. It is all on track. We are committed not only to the facility itself but also to the staff we need to operate it effectively. That will be brought online.

Mr KRAUSE: So it is not going to be QPS transferring them?

Mr Gee: No, it is not a panacea. Those 76 beds we hope will be done by the end of the year. We are about 36 beds short as of today. We would not have the problem. I think it is the right thing to do. We are agreed on that. It does not matter what we think—it is in front of you in terms of a bill—but we will do the transport. That is a precursor to Woodford opening up. The Police Service will still be responsible for the large bulk of prisoner transports across the state, but as an entity the Department of Youth Justice needs to be able to move, and they do—we move our young people to hospitals and visits, a whole range of different things—between detention centres. We will be moving into that space.

Commissioner Gollschewski: It got a bit of attention recently around watch house capacity more broadly but also in this space, but it is important to note that we do not operate them as individual assets. We operate them as a collective and look at our capacity across the system and how we can move things around and adjust accordingly, depending on where the pressures are.

Mr KRAUSE: Having children in watch houses and having to implement these temporary arrangements is a failure to plan, though; is it not?

Commissioner Gollschewski: Obviously we would like to have no children in watch houses, but there is a plan in place and we are certainly committed to trying to work forward and make improvements.

Mr KRAUSE: I have another question about the youth justice aspect and the increase in maximum penalties that are being put into the system through this bill. Can youth offenders receive those maximum penalties considering the sentencing principles that are set out in the Youth Justice Act?

Mr Gee: Yes, so long as it is consistent with the principles in the act. I will get the exact section. The principle still applies. As maximum sentences go up, the sentencing framework stays the same for youth justice.

Mr KRAUSE: Do you keep data on where the sentences track as against the maximum?

Mr Gee: That is a very difficult question. I have had it before on notice.

Mr KRAUSE: Did you answer it on notice?

Mr Gee: I have not, actually. A minister has had that in the past. Can I take that on notice and come back to you and see what data we have publicly available? I just want to give you whatever we have.

Mr KRAUSE: Thank you. In relation to the electronic monitoring changes, the explanatory notes say that it was a very small sample size—too small to evaluate the trial, even though it was the centre of a previous youth justice plan from the government. How does that monitoring work? Who does the monitoring and how many people can be monitored? Is it all up to the judiciary?

Mr Gee: There are a couple of clauses in this bill, but section 52A, from memory, will clarify the bail decision-making process. Simply put, we had some feedback from magistrates and others that there were a small number of people who thought the decision could not be made around EMDs until after community safety had been considered. Simply put, the clause tries to clarify that in the decision-making process all of the factors should be considered at once. That is what most magistrates understood the law to be.

In terms of the actual monitoring, Queensland Corrective Services manages that and we are only limited by the number of devices and staff we can provide. There are 46 at the moment. In terms of why we are expanding the trial, there have been debates both ways: EMD does not work; it does work. The best advice I can give this committee is from a literature review done in November 2022. It is equivocal, particularly in the circumstances in Queensland, as to whether EMDs work, particularly for young people. In terms of expansion of the trial, we hope there will be sufficient numbers so we can actually do a proper evaluation that suits the demographic and circumstances of the community in Queensland so we can give this committee and other people good advice.

Mr KRAUSE: Assuming they are passed, when will those provisions commence?

Mr Gee: The provisions in this bill?

Mr KRAUSE: Yes.

Mr Gee: The others were passed—

Mr KRAUSE: I mean these ones.

Mr Gee:—2021, and I think that was March or September.

Mr KRAUSE: No, I mean these provisions in this bill.

Mr Gee: We will need six to 12 weeks. It is in the explanatory notes, I think.

Mr Drane: On assent.

Mr Gee: On assent. We will be doing—we already are, and it has been announced—an expansion to youth co-responder teams and also intensive bail initiatives. I just cannot remember how many dollars are attached to that, but it is out there publicly. There will be youth co-responder teams; police and Youth Justice working together; formal assessments of a young person before the court makes a decision; and non-government organisations funded to support the young person comply—and the family, so that they have every chance of complying with bail. I will not speak for the Police Service, but my experience is that there will still be bail checks. We are hoping that with EMDs there will be a saving in police resources. I think that is where we landed.

Commissioner Gollschewski: Yes, there will be.

Mr HUNT: There are provisions in the bill around damaging, attacking, ramming police vehicles—that sort of thing. What is the aim and intention of that, other than the obvious—to prevent it? Why is that coming in?

Commissioner Gollschewski: It has become a concern for us. Of course, it is all emergency services vehicles. It will include our fire—rural fire, urban fire—SES and ambulance as well. We have seen instances of violence directed at our ambos, which is unforgiveable in my view. At least our officers are trained in how to deal with those sorts of situations. We have seen what we think is an increase in it. Certainly there have been 60 this year, including one that I talked about recently—it happened this week—involving a domestic and family violence situation where the victim-survivor was in the police car and it was targeted. We are investigating that. It is that kind of concern for us that our officers are subjected to that.

I will not even get into the costs for us as an organisation of having to deal with cars off the road. That is a reality. It is as much about showing support for our emergency services workers on the ground, that all in the parliament, all of the government, support what they are doing. That is unforgiveable when it happens. I think it also sets a standard for our community around what we expect of them. Will that deter some of these people? The evidence and research will probably tell you that that is not necessarily going to be the case, but there is a broader issue there in terms of support for our workforces.

Mr HUNT: I think the demonstration of support is possibly the primary, most advantageous and meritorious idea. Does it include vehicles from Queensland Corrective Services?

Commissioner Gollschewski: No. There is a distinction: there are the offences against police officers and then there is the vehicles. It captures all of the emergency services vehicles.

Mr BOOTHMAN: This question may need to be taken on notice. I am interested in knowing any statistics the police department has on individuals in terms of DV related deaths—what type of weapon was used, whether there was no weapon. I am interested in a breakdown of those types of offences over the past, say, 10-year period to see what has actually transpired. It would also be wonderful to know how many firearms were stolen in the past financial year.

Commissioner Gollschewski: We might have that figure. In terms of the first question, each domestic and family violence death is subject to a review. I am quite certain that that sort of data will be available, so we will take that on notice.

Ms Mudryk: I can advise that in 2023 there were a total number of 779 firearms reported stolen.

Mr BOOTHMAN: How many charges were laid in terms of the theft of those weapons?

Ms Mudryk: I can advise how many were located. Out of that number, I can identify that 167 were located, leaving 612 firearms not able to be located.

Mr BOOTHMAN: That is still quite a few, isn't it? Would you be able to find out the number of charges? One thing this bill does not talk about are the harsher penalties—I know it is outside the scope of the bill—for those who steal firearms. Obviously, that is something very concerning in the community.

Commissioner Gollschewski: Member, we will check whether we can. It will be about how we record that data. It may well just be a theft or a break and enter offence that would be recorded in the system and it may be difficult to pull out which are related. We will look and see whether or not that is captured in the data.

Mr BOOTHMAN: Obviously it is a very serious offence.

Commissioner Gollschewski: Absolutely.

Ms Mudryk: To answer your earlier question, I can provide some further data in relation to domestic violence offences involving firearms. Unfortunately, I only have data until 2022 at this stage, but I can note that, as an example, offences involving firearms in a domestic violence context in 2022 were 454 and, by comparison, in 2012 there were 103. We are seeing an increase in the number of domestic violence offences in which a firearm has been involved.

Mr BOOTHMAN: Of them, how many would have been classed as a murder situation?

Ms Mudryk: I do not believe there any were considered a murder or homicide in 2022, but there were 46 in relation to an assault. I believe there were two for sexual offences. For other offences against the person there were 25. That is broken up into the different types of offending behaviour.

Mr BOOTHMAN: Thank you; that is interesting.

Mr KRAUSE: Returning to where we began and the formulation of the bill, how many victims groups were consulted on this bill, particularly in relation to youth justice?

Commissioner Gollschewski: I do not have that number available to me. There are different subsections to the bill, of course.

Mr KRAUSE: It was introduced in quite extraordinary circumstances, at the beginning of a sitting day—

Commissioner Gollschewski: We will have to take that on notice and come back to you with that.

Mr KRAUSE:—the day after a Voice for Victims march.

Mr Gee: In terms of the Youth Justice Act, the justice reference group, which has a whole range of stakeholders on it, including a victims representative, was consulted on all of the amendments in the bill other than principle 18.

Ms Mudryk: I do note that each individual policy initiative in the bill would have likely received a different group of consulting partners. Certainly, I can provide a list of the parties consulted for the Firearm Prohibition Order Scheme or the amendments to the Weapons Act resulting from the Queensland Audit Office report, which did include a range of stakeholders from the firearms industry sector as well as other agencies such as the Aboriginal and Torres Strait Islander Legal Practice. I suspect that everyone here would have a different group of stakeholders with whom they consulted.

Mr KRAUSE: I think it was the Firearm Dealers Association this morning that mentioned that they were shown—you may have heard the comments—a document in February, which was a cabinet-in-confidence document, but they were unable to take that to consult on with their members. Obviously they were not pleased about that. That may be one of the stakeholders that was consulted with.

Ms Mudryk: Indeed.

Mr KRAUSE: There was not the ability for them to consult with their broader stakeholders, though?

Ms Mudryk: Consultation was undertaken in relation to the proposed Firearm Prohibition Order Scheme but, as in standard processes, the consultation process does include information that is cabinet-in-confidence. It is provided to those specific stakeholders under a cabinet-in-confidence environment.

Mr KRAUSE: I also want to ask about a concern that has been raised in relation to FPOs. Obviously, these can be imposed by a police officer for 60 days and then need to be renewed on application to a court after 60 days. When it comes to people whose driver's licence is suspended, there is an appeal period which enables them to continue driving if they are appealing their suspension. Is there a similar process in this so that they can appeal it immediately, especially if they need their firearm for work?

Ms Mudryk: If someone is subject to a firearm prohibition order, they are able to appeal. They do not have to wait until the end of the order to lodge an appeal. They can lodge their appeal with the Magistrates Court immediately. Certainly, if they are subject to that order, it is only for a maximum of 60 days. Whilst their weapons licence would be revoked, they would be able to reapply at the end of that particular order.

Mr KRAUSE: The FPO continues to apply until their appeal is heard?

Ms Mudryk: Yes, that is correct.

Mr KRAUSE: So they would not be able to work pending the appeal?

Ms Mudryk: If someone is—

Mr KRAUSE: If someone needs it for work?

Ms Mudryk: That is correct. Again, I highlight that FPOs are issued against extremely high-risk individuals. One would only be made when it was in the public interest to do so. Certainly, with this particular scheme, we consider those individuals so risky to the community that it would not be appropriate in any circumstances for them to have a weapons licence in that time period.

Ms BUSH: I am interested in the transferring of young people out into BYDC and what services that might open them up to or what arrangements that will look like. It is obviously to get some fresh air but also to connect with services.

Mr Gee: I am happy for Michael to answer. I will just add a comment around consultation in respect of the clauses around the women's justice taskforce. We consulted with a minimum of five victims groups—probably six—for a number of months.

Mr Drane: Yes, you are quite correct: the transfer of young people from watch houses to a youth detention centre would open up scope for the delivery of all services available—primary health assessments, mental health, secondary health assessments, our ability to do speech and language assessments, psychological assessments, to attend programming, school programming and recreational activity—to a young person detained in a youth detention centre.

Ms BUSH: You do not anticipate that that will muck around too much with your operations out there ordinarily—managing that cohort and managing the other cohort?

Mr Drane: No, we do not envisage that. Obviously, it will be most appropriate in circumstances where young people are located in a watch house nearby to an existing youth detention centre, ostensibly around the south-east corner or in Townsville. We do not envisage that impacting service delivery in the existing centres.

CHAIR: Thank you, everybody, for coming along. I am not going to read out every question that was taken on notice, but the secretariat will be in touch with the appropriate people to get those questions to you. We would really appreciate answers to those questions by Wednesday, 5 June. If there are issues with timelines, please talk to the secretariat. I understand they are very accommodating. Mrs Robertson?

Mrs Robertson: Just to wrap up the consultation question in relation to the Childrens Court Act amendments, IMAC, the Interim Victims' Commissioner and the Queensland Homicide Victims' Support Group were consulted in relation to those amendments.

CHAIR: Thank you, everyone. That concludes this public briefing. Thank you for your attendance here today. Thank you to our Hansard reporters and our wonderful secretariat staff. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public briefing closed.

The committee adjourned at 4.01 pm.