



# ***COMMUNITY SAFETY AND LEGAL AFFAIRS COMMITTEE***

**Members present:**

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

**Staff present:**

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

## **PUBLIC HEARING—INQUIRY INTO THE QUEENSLAND COMMUNITY SAFETY BILL 2024**

### **TRANSCRIPT OF PROCEEDINGS**

**Monday, 10 June 2024**

**Brisbane**

## MONDAY, 10 JUNE 2024

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### **The committee met at 9.41 am.**

**CHAIR:** Good morning, everybody. I declare open the public hearing 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; Sandy Bolton, member for Noosa; Mark Boothman, member for Theodore; Jonty Bush, member for Cooper; and Jason Hunt, member for Caloundra.

The hearing 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 or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded 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 for people to kindly turn their mobile phones off or to silent mode.

### **NARDI, Mr Angus, Chief Executive Officer, Shopping Centre Council of Australia (via videoconference)**

**CHAIR:** Welcome. Good morning and thank you for joining us. I invite you to make an opening statement of up to five minutes, after which committee members will have some questions for you.

**Mr Nardi:** Thank you very much for the opportunity to appear before you. I am the chief executive of the Shopping Centre Council of Australia. We are the national industry group that represents major shopping centre companies across Australia including in Queensland. We welcome the opportunity to appear before this important inquiry and contribute to the consideration of the Community Safety Bill. As our submission notes, which is listed on the committee's webpage, our principal interest is division 3 of the bill which relates to the prevention of knife crime. As indicated in our submission, we strongly support the proposed laws.

As outlined in our submission, we are incredibly concerned about the presence and use of prohibited weapons within our shopping centres. For one of our members alone, the first four months of this year saw a 40 per cent increase in incidents that included the use of knives and weapons over the same period in 2023, and the age cohort of 14- to 17-year-olds is the largest age cohort represented in those incidents. In our submission we provided an image of a handful of knives that were found in concealed locations at one of our member shopping centres. Those locations included underneath a rubbish bin and in a children's playground. We also found knives in concealed locations such as planter boxes. Not all of these incidents are reported to police.

As the committee may be aware, I appeared before the inquiry on a previous bill to prohibit the sale of knives to minors. We are working with the National Retail Association, which is working with the Queensland Police Service on their campaign End Knife Violence, which was announced on 29 May ahead of those laws commencing on 1 September this year.

I would like to extend our thanks to the Queensland government for their engagement with us on these issues, including police minister Mark Ryan's office and also the Queensland Police Service. I do note the testimony of others including Commissioner Steve Gollschewski in terms of how this law will operate. I again thank you for the opportunity to appear. I would be very happy to take any questions or any matters on notice that may assist the committee. Thank you.

**Mr KRAUSE:** Thank you for appearing before us and for your submission. I appreciate that you have stated your support for the bill and the measures relating to knife crime. I want to ask generally about measures that your members are already putting in place in relation to this issue to combat the risk of knife crime in the shopping centres of your members.

**Mr Nardi:** Firstly, we are in the position of not being able to enforce any laws, and that includes the role of security guards. What we seek to do is ensure that, where we have guards onsite, their role is to observe issues and to report and escalate issues to police where police may be needed to come onsite. It is probably more about having an active security presence in those centres where we have identified there are risks. That includes where we have seen knife related incidents within those centres. You may recall there was an incident at Westfield Helensvale in August last year where one of our guards was attacked and a knife was used in that incident. It is those kinds of incidents that give rise to increased security awareness in terms of issues that may arise at that centre and it is about staying in close contact with local police and the local command in terms of their presence at those centres, which we always see as a benefit.

**Mr KRAUSE:** Have you spoken with QPS or the government about the nuts and bolts of how these expanded laws might work in shopping centres in terms of the location of officers or protocols that might need to be put in place between shopping centres and the police to operationalise these measures, or has it not gotten that far yet?

**Mr Nardi:** We have had some general discussions, noting that the bill remains before parliament. We have also made ourselves aware of how the law currently operates. As we note in our submission, the law currently operates in part on our land. Given that it applies to public transport hubs, as I flagged, some of those public transport hubs sit on our land under licence to the government such as Westfield Chermside. We have made ourselves aware of how it operates and have had general discussions with police including, subject to the bill's passage, about how it may operate if they do declare one of our centres an area where they want to exercise these powers and what that might look like if they come onsite to apply those powers.

**Mr KRAUSE:** Your submission notes that the definition of shopping centres should be expanded to include car park areas and relevant entry and exit points. Is there anything further you want to add in relation to that submission such as the reasons why, or are you happy to run with what you have written?

**Mr Nardi:** I am happy to run with what we have written. The current definition may include our car parks. We just thought it may be needed to ensure there is no potential grey area. I use the example of the public transport hubs on our land or adjacent to our land. Some of those are on our car parks. It was to ensure there was no grey area in terms of where the powers may apply. That was the intent of that suggestion.

**Ms BOLTON:** You mentioned there has been a 400 per cent increase since 2023. What numbers are we looking at?

**Mr Nardi:** It was a 40 per cent increase. If I said 400—

**Ms BOLTON:** Maybe I misinterpreted. My apologies.

**Mr Nardi:** It is a 40 per cent increase in early 2024 compared to the same period in 2023. For clarity, that is as we record incidents on our site and not all of those matters are reported to police. When I say 'knife incident', that includes, sadly, people who try to goad our guards and pull up their shirt and reveal they have a knife on them. Again, our guards' role is to report to police where relevant and escalate those matters. In terms of the raw numbers, I can provide clarity to the committee, but it is in the tens at particular shopping centres, so 10 to 20 incidents. We do have centres that we have identified, sadly, have more incidents than other centres. We seek to understand why and we seek to alert police where that is the case. Some centres are represented more than other centres.

**Ms BOLTON:** You spoke about making sure minors cannot purchase knives. Have there been any reports of shoplifting of knives occurring, and what numbers we are talking about?

**Mr Nardi:** On the laws that have been passed, as I mentioned, we will be working with the National Retail Association to help raise awareness of that law before it commences on 1 September. We certainly receive reports of knives being taken from a retailer onsite. In fact, I recall there was an incident fairly recently at Kawana shopping centre on the Sunshine Coast. I believe the person actually obtained the bladed weapon from a store within that shopping centre. We certainly hear reports of that nature.

**Ms BOLTON:** What provisions would the shops be looking at to avoid that? Would it be keeping knives behind the counter instead of being available within the shop itself? Are they some of the measures being looked at?

**Mr Nardi:** Under the law that the parliament passed—and that obviously relates to people under 18—there are obligations on retailers that sell those prohibited weapons in relation to the display, storage, advertising and sale of those items. There is a range of obligations on those retailers. On the broader issue, it is a matter for those retailers about how they display those weapons in a general sense including if they are under lock and key, in some kind of storage container or behind a screen.

**Ms BUSH:** Thank you for coming in and for your submission. I think all committee members have been appalled by knife crime and some instances that we are aware of. Of course, people have the right to go shopping or go to the supermarket and not be harmed or feel unsafe. I appreciate your submission. I am interested in what are those other ways of keeping people safe, and the member for Scenic Rim has picked up on that. I ask about the presence of police around retail outlets and supermarkets and what feedback you have on that from patrons. Do they feel more safe or less safe? Sometimes having a police presence can make people feel it is actually unsafe. I am interested in what views you have received from patrons on that.

**Mr Nardi:** In my experience in working with police over a number of years, from speaking with retailers and our tenants and also from general feedback, I think people see a police presence onsite as a positive where there is uniformed police. We certainly support a police presence as a matter of industry policy. As you are aware, in certain shopping centres in Queensland we still have police beats—essentially, small community-facing police shopfronts within shopping centres. If I recall correctly, that was a policy that was put in place in the 1990s. We certainly welcome that ourselves for the simple reason, as I mentioned earlier, that our guards have very limited powers, as required under relevant state legislation. We believe that police being onsite provides an assurance. If something does happen, police are then onsite and can exercise their powers in a way that we cannot in a general sense or through our security guards. We certainly see their presence as a positive, and the feedback we receive from retailers and in a general sense is that it is a welcome measure.

**Ms BUSH:** Are you aware of any positive and proactive work that shopping centres or supermarkets are doing in terms of engaging in a constructive way with young people? I know that Westfield at different times, for example, has rolled out programs to put on security but teams them up in a co-responding way with youth workers to try to engage with that cohort and refer them to services. Is there anything happening in that space that you are aware of?

**Mr Nardi:** Yes, I have a general awareness of it. It is generally on a centre-by-centre basis. Every shopping centre has what is called a trade area catchment, so their local trade area. There is generally a good understanding of that location and then working with the local area command or other government services where there is benefit to have those kinds of programs in place. I could come back to you on any specifics.

As you are aware, retail is the biggest employer of young people. Shopping centres are locations where young people visit and they are very welcome. You see that places like our food courts after school hours are heavily patronised by young people, so it is a place for communities and we are at the heart of those communities. I am aware there are programs where possible in that local area to engage where that is seen as appropriate.

**Ms BUSH:** That was kind of where I was going. I am aware that a lot of young people go to supermarkets and shopping centres. They do not have a lot of money and they are looking for places to hang out and be in an entirely lawful and appropriate way. In this proposed legislation there will be the ability for police to have some quite strong powers around being able to wand and check, which is appropriate. I am interested in how you achieve that balance between making sure these places are welcoming for young people, inclusive and uphold their dignity and rights while also recognising others' rights to feel safe. You might not be able to answer that easily, but I am interested in any views now or later that you can give.

**Mr Nardi:** Our places are public places. People are welcome and we sit in the heart of those communities, including for young people. For young people it is a place where they work; it is a place where they congregate and the like. At the end of the day, the exercise of these powers will be a matter for police. I did note Commissioner Gollschewski's testimony in relation to how they would be exercising those powers in an appropriate manner. In that sense we defer to the QPS, subject to the passage of the legislation. We will certainly be working hand in hand with Queensland police, if the bill is passed, about how we can best work in partnership on all of those relevant community safety issues, particularly as those people who are there doing their shopping and being with their families also have a right to feel safe going about their daily lives.

**Ms BUSH:** Of course.

**Mr BOOTHMAN:** Given your discussions with shopping centre owners, does the location of the shopping centre itself potentially affect how much crime may be in that area—for example, if it is near a transport hub? Are you finding that there is potentially more crime if it is close to certain access points, so to speak?

**Mr Nardi:** It is not something that we have looked at specifically, but we are mindful of formal crime statistics in that they highlight certain locations, including the exercising of the powers under the current Jack's Law at some of the public transport hubs that sit on or are adjacent to our land, but that is obviously just noting where police have found a prohibited weapon on a person they have approached. We are kind of aware of those general factors, but it is not something that we actively report upon. However, we are mindful where we are aligned with public transport hubs, when you are in CBD locations, where you have higher population densities and the like, yes.

**Mr BOOTHMAN:** The reason for the question was that the Helensvale Westfield is beside a very major train station which is the source point for light rail and heavy rail in that area.

**Mr Nardi:** Yes.

**CHAIR:** Thank you for your attendance, thank you for your written submission and thank you for your evidence today.

**Mr Nardi:** Thank you again, Chair and committee members.

**BOJORGE, Ms Celica, Principal Policy Officer, Office of the Information Commissioner**

**BOOTH, Mr Paxton, Privacy Commissioner, Office of the Information Commissioner**

**KUMMROW, Ms Joanne, Information Commissioner, Office of the Information Commissioner**

**CHAIR:** Welcome. Thank you for joining us. I invite you to make an opening statement of up to five minutes and then committee members will have some questions for you.

**Ms Kummrow:** Chair and members, thank you for the invitation to appear before the committee on the Queensland Community Safety Bill 2024. On behalf of the Office of the Information Commissioner, I acknowledge Aboriginal and Torres Strait Islander peoples as the First Australians and recognise their deep connection to the land, waters and seas of Queensland and the Torres Strait. I acknowledge the traditional custodians of the lands on which we appear before the committee today and pay my respects to their elders past and present.

As the committee will be aware, the Office of the Information Commissioner is an independent statutory authority with information privacy and right-to-information oversight functions. We welcome the opportunity to make a submission to this inquiry. Our written submission focuses on privacy issues in two clauses of the bill—clause 125 and clause 42.

I will first turn to clause 125. This clause proposes to amend section 263A(4) of the Youth Justice Act 1992 to enable the recording of telephone calls between a child detainee and another person for a purpose and in accordance with requirements prescribed by regulation. Currently the act prohibits the recording of detainees' telephone conversations but allows their calls to be monitored and terminated in certain circumstances. The OIC understands this new regulation-making power is intended to prevent serious crime in youth detention centres. The explanatory notes at page 14 state that intelligence officers in youth detention centres have identified circumstances where offences are being committed during telephone conversations between detainees and another person, such as breaches of domestic violence orders or intimidating a witness, and that this risks the good order and safety of youth detention centres. These instances may involve a recipient of a telephone call forwarding the call or facilitating a conference call with another person.

The recording of a detainee's telephone calls poses privacy risks to any party involved in the telephone calls as the information generated through the recording of a telephone call will include personal information within the meaning of the Information Privacy Act 2009. This means that privacy obligations in the IP Act 2009 will likely apply. However—and we did not mention this in our submission but I mention it here for completeness—it is likely that section 29 of the Information Privacy Act would apply in relation to the agency to the extent that it has responsibilities which fall within subsections (b) (iv) (A) to (D) of the definition of 'law enforcement agency'. However, it would only exempt the agency from complying with IPPs—that is, information privacy principles—2, 3, 9, 10 or 11 if it is satisfied on reasonable grounds that noncompliance is necessary for the performance of those relevant responsibilities. This would still necessitate conducting a privacy impact assessment to assist the agency determine if there are reasonable grounds for the specified IPPs to not apply. Importantly, section 29 does not exempt the agency from the other IPPs such as IPP 4, which will require the agency to take reasonable steps to protect the phone calls from unauthorised access, disclosure and misuse.

The OIC recommends that any agency considering the use of surveillance devices should conduct a privacy impact assessment before implementing these recording technologies. While the collection of personal information in these circumstances may be regarded as necessary to prevent a breach of the law or on law enforcement grounds, it must be appropriately balanced so as not to intrude unreasonably into the personal affairs of child detainees and their families. A privacy impact assessment will assist in identifying any privacy risks and formulating appropriate mitigation strategies.

The OIC considers that appropriate safeguards to prevent unauthorised access to, or misuse of, personal information collected through the recordings include robust operational policies and procedures for recording telephone calls at youth detention centres, training for youth detention centre officers and regular auditing of instances in which detainees' telephone calls are recorded. The agency's privacy impact assessment should be updated at key phases throughout the life cycle of the implementation and use of these recording technologies. As we stated in our written submission, we would welcome the opportunity to be further consulted on the framework under the youth justice regulation 2015 that will allow the recording of a detainee's telephone calls. We understand from the explanatory notes that the responsible agency will be undertaking that work in the near future.

I will now turn to the second clause, clause 42. Clause 42 will insert a new section 43A into the Explosives Act 1999 to prohibit the sale of small-arms ammunition unless the seller has seen a buyer's firearms licence or authority or verified the firearms licence or authority through a verification system, if available. New section 43A defines a verification system as an electronic system for verifying the validity of a licence or authority. If prescribed, this may include the online Queensland weapons licence card status check. As the human rights statement of compatibility acknowledges at page 40, potential buyers would need to reveal their personal information to an ammunition seller when presenting the relevant firearms licence or authority. The OIC notes that this personal information may include a buyer's residential address. While there are significant benefits to ensuring a person purchasing ammunition has a valid firearms licence or authority, and noting sellers may already require buyers to present their licence or authority to comply with section 42 of the Explosives Act 1992, this requirement should nonetheless be appropriately balanced so as not to intrude unreasonably into a buyer's personal affairs.

The OIC is reassured to see that the proposed amendment to the Explosives Act only requires the authority to be seen and not copied or retained. Should the amendments be passed, the OIC would encourage the responsible agency to implement a communication program that includes education for ammunition sellers about new requirements in the act to reduce the likelihood of their overcollection of personal information. For instance, ammunition sellers should not need to view a buyer's residential address or take a copy of a purchaser's identification information. Thank you for the opportunity to make an opening statement. We are happy to answer any questions that the committee may have. Thank you, Chair.

**Mr KRAUSE:** Thank you, Ms Kummrow, for your submission and for your presentation here this morning. I acknowledge that you have raised concerns about two elements of the bill in relation to the youth justice space and collection of personal information in the purchase of firearms ammunition in the firearms space. Just on your last point in relation to the collection of private information at the point of sale of ammunition, you are saying essentially that there should not be a requirement under the bill as drafted for a collection of personal information like an address but merely a sighting of verification documents. In your experience, do you think there might be a tendency for people like weapons sellers, in this case, or ammunition sellers to overcomply with the provisions for some perceived reason of covering themselves to show that they are complying with the provisions and do you have any concerns about that? Is that where you are coming from?

**Ms Kummrow:** Thank you, Deputy Chair. I might commence answering the question and then invite the Privacy Commissioner to fill in any gaps. Our concern is always, whether it is government or private business, not overcollecting personal information. The requirement within the four corners of the proposed legislation is to view an identification, not to take a copy of it. However, we are human and so when these requirements become operationalised it may just be forgotten and there is a feeling that there is a need to copy it and retain it—collect it—but there is actually not. Hence the suggestion in a practical sense for an information campaign so the small private business owners understand that they do not need to collect that information. Paxton, would you like to add anything?

**Mr Booth:** Yes; thank you. Your point is exactly right: we are concerned about people being perhaps overzealous and forgetting the purpose of what they are required to do. It is certainly not limited to firearms sellers; it is something that we see much broader than that in the community, where people are unnecessarily potentially collecting people's personal information and retaining it for unknown periods of time and effectively at times creating a honey pot of information that could be subject to a data breach on a later occasion.

**Mr KRAUSE:** Yes, which we have seen a few examples of recently. Just on the other aspect in the youth justice space, I note that you spoke at some length about the rights to privacy of young people—of youth—under our youth justice system. When people are convicted and sentenced to detention, is there not a forfeiture of those privacy rights, in many respects, to communication?

**Ms Kummrow:** We would respectfully say that privacy rights are human rights and so they apply equally to all persons, whether they are being detained or they are free in the community. It is always a question of balancing those rights. Under the Privacy Act, there is recognition of the importance of law enforcement agencies being able to undertake their duties and their responsibilities. Certainly they are the references that I made in relation to section 29, that when they are undertaking certain responsibilities they will be covered by law enforcement but not always. That is where the privacy impact assessment comes in. Where you are wanting to do something, even when you have a power to do it, good practice is implementing a privacy impact assessment. Your compass is always on, obviously doing the right thing, but I understand there can be a tension there.

**Ms BOLTON:** With the recording of calls, you did mention the privacy impact assessment. Is there anything you believe should be added to address your concerns around privacy and the recording of telephone calls?

**Ms Kummrow:** That is a good question. In addition to that—and that is an assessment through consultation within the organisation—I think some training and education, just to make sure that when we are operationalising these responsibilities they are understood by those on the ground actually recording the telephone calls—how they are keeping them, storing them and using them and when they are no longer required. I will pass to the Privacy Commissioner in case there is anything in addition.

**Mr Booth:** I do not have too much to add other than acknowledging the importance of training and also the back end of the audit function, to undertake an audit of the circumstances in which phone calls are being recorded, to make sure it is compliant with the regulation and the act and also to ensure there is no improper access by anyone after the recording has been made.

**Ms BUSH:** My question follows on from the member for Noosa's question around safeguards and protections. I recognise in this bill that the framework and the safeguards and the recording of conversations must be in accordance with the requirements prescribed by regulation. This might be seeking an opinion, but it concerns me. I wonder if it is more appropriate to situate that within an act and not deal with that by regulation, which does not have this level of oversight, given that we are talking about trying to get that balance right between ensuring we are disrupting crime and making sure young people have every right to have conversations with family members that enable them to get the help they need to rehabilitate.

**Ms Kummrow:** I may have to respond to say respectfully that that question lies with government and then obviously the parliament, but we have invited further consultation in relation to the youth justice regulation 2015 to see whether we can provide any guidance or advice to ensure privacy rights are protected.

**Mr HUNT:** Are the privacy impact assessments a large overarching body of work, or is it done case by case, situationally specific, for every single instance where the intelligence officer thinks it might be worth recording this? Excuse my ignorance.

**Ms Kummrow:** No, thank you. It is a good opportunity to shine a light on privacy impact assessments, because we think they are really key to ensuring all agencies comply with the privacy rights. They are an overarching document that provides an assessment of all of the elements of a project, or a change in practice, let's say, as will be the case here. We think they are certainly best practice and also ensure you are complying with the information privacy principles. You go through the scope of your change in practice or your project and then you assess that against the information privacy principles. As we said in our submission, it is important to keep coming back to them as well, so they are, in effect, a living document. I will see if the Privacy Commissioner has anything in addition.

**Mr Booth:** It is an overarching process, but that will help develop the operational processes and procedures that the officers would follow in recording a particular phone call. We would see that the importance of a PIA, or privacy impact assessment, would help inform the content of a policy and procedure to identify those steps, measures and protections that officers should follow when they decide to make a recording of a phone call.

**Mr HUNT:** It is a macro level assessment. Would it layer another operational requirement on, say, the intel officer before they make a decision about recording conversations? The assessment would be done and then operationalised and then, from that, the intel officer would make a call based on whatever policies or procedures were modified every time they needed to or they thought, 'This may well be worth monitoring and recording'?

**Mr Booth:** Yes, the privacy impact assessment process would help influence the type of policies and procedures we would have to follow and then what requirements would be on that individual officer to record the reasons they are recording a phone call. It would help, I suppose, justify the recording in particular circumstances. If there were a criteria under the regulation that needed to be met before a recording was made then it would provide a robust framework for those officers to actually record the process and the reasons.

**Mr HUNT:** Would that be sufficiently agile, then? As we know, some offenders are targeted; some calls are monitored. If you are monitoring the call and the call goes down a particular avenue and you think, 'Actually, this will probably require me to hit the record button,' would it be sufficiently agile to do that, or would the intel operator have to stop and go through some sort of framework, in which case the conversation has moved on and been missed? Is there potential for that?



**Mr Booth:** I would not expect so. The framework in which it would operate, provided the officers are appropriately trained, should understand those criteria and apply them very quickly to make a decision about whether or not to record a particular phone call. The policy procedure may then require them to write down the reasons or justification they had at the time to press the record button, if you like, but then it would provide an assurance to parties afterwards, if they went and conducted an audit, around, 'Why did you record that particular phone call?' There would be a framework to ensure the decision-making around that would be consistent and appropriate.

**CHAIR:** There being no further questions, I will conclude this part of the hearing. Thank you for your attendance today. Thank you for your written submission. Have a good day.

**ALLPASS, Mr Michael, General Manager—Policy & Advocacy, AgForce Queensland**

**CHAIR:** Welcome. Thank you for joining us. I invite you to make an opening statement of up to five minutes, after which committee members will have some questions for you.

**Mr Allpass:** Good morning, Chair and committee. My name is Michael Allpass. I am the General Manager of Policy and Advocacy for AgForce Queensland farmers. AgForce is a peak industry organisation representing the interests of over 6,000 farmers—that is landowners, land managers and station staff—who collectively manage around 55 million hectares or approximately a third of the state's land area, producing beef cattle, grain, cane, goats and sheep for meat and wool. Queensland's primary producers provide high-quality food and fibre to Australian and overseas consumers, contribute significantly to the social fabric of regional, rural and remote communities, as well as deliver stewardship of the state's natural environment. AgForce's purpose is to advance sustainable agribusiness and strives to ensure long-term growth, viability, competitiveness and profitability of these industries.

AgForce's submission focused on the sections of the bill specifically relevant to agriculture and agribusiness, those being proposed amendments to the Explosives Act 1999 and the Weapons Act 1990. Nonetheless, AgForce recognises the need for improved measures to curb domestic violence and youth crime.

Farmers have two specific occupational needs for firearms on properties: one, for the purpose of euthanising livestock to ensure sound animal welfare needs are met; and, two, for the control of the significant population of feral animal that traverse throughout Queensland's landscape, the second being intrinsically linked to the first. Wild dogs, feral pigs and foxes prey on lambs and calves. Wild dogs use adult sheep as sport, chasing them until exhausted and then maiming them, leaving them to die a slow and painful death, and packs of wild dogs have been known to pull down adult cows or steers and collectively pull it down.

It is a fact of agricultural life that production animals become sick, injured or maimed by feral animals, and the farmers tending to the safety and wellbeing of their herds and flocks are at times required to euthanise an animal with the use of a firearm to put the distressed animal out of its misery. Additionally, feral pigs root up the ground of our grain farmers' paddocks, destroying in-ground crops and damaging levelled grain-producing paddocks, not only reducing crop yield and therefore income to the farmer but also adding extra cost to ground preparation for the next crop. Queensland's primary producers—our farmers—have a legitimate need to access firearm types of an appropriate calibre to manage these aspects of their rural businesses and to continue to feed and clothe the world's population.

Clause 42 of the bill inserts a new section stipulating the requirement for a firearms dealer to complete a secondary online digital check of a firearm licence holder's validity when purchasing ammunition. Much of this aspect of the bill, including issues raised, were described by Queensland's Firearm Dealers Association. I will not labour too much on this point, other than to say that many primary producers will go to town on a Saturday morning for their stores and supplies, including firearm ammunition. If the government's online verification system is down for whatever reason or the local town is without internet connection, frustrations will be felt by both the firearm licence holder—the farmer who is required to make a return trip—and the retailer for not achieving the level of customer service and satisfaction desired.

Clause 73 of the bill looks to legislate firearm prohibition orders. AgForce is concerned with the potential that agribusiness owners may inadvertently and unknowingly engage the services of an employee who is the subject of an FPO, or they may rent out a farmhouse to a person or a family, one of whom is the subject of an FPO. In either scenario, the bill obligates the business owner to remove all firearms and ammunition from the business's property because of someone else's FPO—firearm prohibition order. How will any agribusiness owner become aware that a person—a potential employee, for example—is the subject of an FPO? It is not the usual question a rural employer asks a potential employee during an interview. Given today's labour shortages in agriculture, position interviews can be very informal and at times non-existent because workers are often referred to rural business owners by word of mouth.

Clause 40 of the bill refers to knives, seeking to amend the Weapons Act. Similar to a firearm, the pocketknife is a tool of the trade in agriculture. The majority of farmers carry a pocketknife either in their pocket or in a pouch on their leather belt. In fact, many leather belts purchased by farmers have a pouch sewn into the leather strap specifically for a pocketknife. Not only is the pocketknife being carried in a public place but it is in plain view of the general public. Clause 40 of the bill states that prohibited items, referring to knives, must not be carried in a public place in such a manner as to be

seen. In rural and remote regions, carrying a pocketknife on one's person is an accepted practice, but it is also often seen when the farmer comes to a metropolitan location such as Brisbane. The pocketknife often stays in the pouch of the farmer's belt. It can be a way we identify our country cousins when they come to the big smoke. For many farmers, a pocketknife is a part of their heritage: it has been handed down from one generation to the next and means so much more than it being just a farmer's tool. They carry that knife with a great deal of pride.

In its submission the Queensland Police Union stated—

The community has to understand that there is never a good reason to take a knife to a public place ...

Potentially, this hints at a type of policy that may be implemented over time. The farming community disputes this. In agriculture, you never know when a pocketknife is going to come in handy. From cutting required lengths of rope to cutting split hoses, the need for pocketknives is universal no matter one's location.

It is incumbent on any government to ensure any new legislation proposed will remain relevant and stand the test of time, remembering that how legislation is interpreted today quite likely will be quite different from how it is interpreted in the future. By way of example, the current Weapons Act provides a definition of primary producer as 'a person ... primarily engaged in the occupation of' dairy farmer, wheat farmer, cane grower, fruit grower, grazier or a farmer of mixed operations—the key phrase being 'primarily engaged'.

In recent years, AgForce has received phone calls from farmers and members describing difficulty in having their firearms licence renewed because they have had to take on off-farm work—a second job to put food on the table and pay the bills. This is often seen during drought times. As the firearms licence holder has declared they have an additional income source, the weapons licensing branch has questioned the validity of their continuing to hold a firearms licence because they have a second job, notwithstanding the fact that the farmer still owns and operates a farm where a firearm is a necessary tool of trade. This current interpretation of the Weapons Act is not how the original drafting intended it to be read.

AgForce membership is concerned that this legislation will eventuate in unintended consequences and negatively impact agribusinesses and farming communities. On behalf of AgForce members, I thank the committee for the opportunity to be heard at this public hearing on the proposed Queensland Community Safety Bill.

**Mr BOOTHMAN:** Does AgForce have concerns in terms of clause 4 and the removal of particular online content? For example, the legislation has a fair bit of context in terms of interfering with or entering a person's property. Does AgForce have concerns about property owners when it comes to Lock the Gate or stopping coal seam gas on their properties, if a lawful direction has been given for an exploration right yet the property owner rejects that? What is AgForce's position on this matter? Are you concerned that it could mean when a person puts something online they are potentially committing a criminal offence?

**Mr Allpass:** To be honest, it is not something that we looked at closely with regard to assessing this bill. We predominantly looked at the Explosives Act and the Weapons Act. I cannot provide detailed comment at this point in time. There are a few different aspects to that whole question with regard to not only online content but also—

**Mr BOOTHMAN:** Technically it could be classed as glorifying, if they did share it to try to garner the support of the online community.

**Mr Allpass:** Sorry, could you rephrase the question? I am not sure exactly what you are asking.

**Mr BOOTHMAN:** If they are putting something online to try to glorify that action, technically that could be classed as an offence, whereas that farmer could be seeking support from the online community in voicing their opinion. I am interested in your opinion on that matter.

**Mr Allpass:** I might take that question on notice because it is not something we have particularly delved into. As I said, there are two aspects of the bill that we focused on—the Explosives Act and the Weapons Act. If I may, I will take that question on notice.

**Mr KRAUSE:** I will ask you a question about the Weapons Act. I note your comments about people who are primarily engaged in primary production. I can certainly say that a number of people have raised concerns with me about not being able to renew their rural producer's weapons licence over the years. Can you please make some comments about the experience of your members with weapons licensing, considering that the issuing of an FPO will see a person's licence cancelled not just temporarily but, as the commissioner said in the public briefing, altogether. There is then a process

that people will have to go through to get a weapons licence again. What is your members' experience of this process? Will it affect just farmers directly or also contractors who work on those properties? Can you provide some comment around that and the impact it might have on rural industries?

**Mr Allpass:** Over the years, our rural producers have had numerous different challenges in the process of renewing firearms licences. It is on a case-by-case basis. Each one can be different in its own way. At times we have seen applications taking up to eight or nine months to be processed through Weapons Licensing. We have also seen some good work through the government in employing additional temporary staff into Weapons Licensing to make sure the time of processing is reduced. One comment in our submission is that the temporary workforce within Weapons Licensing will be removed from June or July of this year. That was a significant positive step for the government in making sure applications were processed quickly. That is with regard to your query around Weapons Licensing processes.

The firearms prohibition order will affect everyone in terms of that rural operation. There will be different cases. It may not necessarily be the farm owner or the farm manager who has a firearms prohibition order placed against them; it could be someone they are an acquaintance of, who lives on the property, who is an employee of the property or who, as you state, is a contractor. There are all different types of scenarios at play. As far as I am aware, if you have someone on your property or you engage someone on your property to help with your business dealings on a primary production farm, there could be an offence. If that person has a firearms prohibition order against them, the land owner or the land manager could be committing an offence in having that person there when the land owner or the land manager has firearms and ammunition securely stored on their property.

**Mr KRAUSE:** If that adds to workplace shortages it could be very problematic, I would imagine.

**Mr Allpass:** Most definitely, yes. As a side comment, in the past there have been correctional detainees considered to be of lower risk who have gone out to rural properties to help out in different situations—during a flood or a drought or maybe as a way of helping to rehabilitate that detainee. That still occurs in different places from time to time. At the moment, agriculture is suffering from a shortage of good skilled staff. Sometimes you take whatever you can get to help with the jobs and tasks on a rural property.

**Mr KRAUSE:** In relation to the renewal of a licence aspect of the question, where an issue of an FPO cancels a licence automatically, do you consider that there should be a provision whereby if that FPO is not renewed after 60 days the licence be reinstated?

**Mr Allpass:** It is definitely something that needs to be considered. Part of the concern for many with that proposal in this bill is that the consultation has not been satisfactory to discuss all of those different opportunities. Many others within the firearms stakeholder groups such as firearm dealers, sporting shooters and the Shooters Union, have myriad different scenarios that need to be considered. For AgForce and for many others, potentially unintended consequences need to be thoroughly considered before the bill is passed.

**Mr KRAUSE:** Maybe that was apparent with the knives scenario that you outlined previously. Consultation on that may have led to a better provision. Do you have a suggestion for the committee in relation to the knives provisions? You expressed the rural view very well, which I understand as I represent a lot of people like that. Does AgForce have a suggestion for how that provision could be improved?

**Mr Allpass:** I think we need to take a practical approach. For example, the current Weapons Act definition of 'public place' includes a vehicle. A great many people in the community carry a pocketknife in their vehicle—not only rural land owners or rural communities but also many who live in Brisbane. As an example, as someone who enjoys going camping, I have a pocketknife in my glove box. The bill will have me committing an offence in having a pocketknife in my vehicle. We need to take practical measures in any steps that we take in introducing new legislation. The legislation cannot be just considered for the now; it needs to be considered for the future. We need to make sure it is fit for purpose for five and 10 years time.

**Ms BOLTON:** You mention low-risk offenders. I understand your concern. At the committee's first public hearing the QPS advised that FPOs were very much aimed at the worst of our high-risk offenders such as those in organised crime, highly violent domestic and family violence perpetrators and terrorism. If that were given greater clarity within the bill, do you believe that would be manageable within our farming community, given they would not wish to have that cohort working on their property anyway, for the safety of not only the farmer but also everyone else who works there?

**Mr Allpass:** As long as it is clearly defined, that is an option. The way the bill is read at present, a firearms prohibition order could be placed on anyone. Yes, clearer wording and clearer definitions in terms of the intended recipients of a firearms prohibition order would help.

**CHAIR:** I think there is one question on notice in relation to the videorecording of people who may trespass onto a farmer's land. Have I paraphrased it enough?

**Mr BOOTHMAN:** Yes. It is about glorifying—a farmer protecting their land in light of a lawful order where coal seam exploration is to be put on that property. If the farmer protests against it and posts on social media saying, 'I'm defending my land,' that potentially glorifies it and, technically, he is committing an offence.

**Mr Allpass:** Chair, will the question come from the secretary via email?

**CHAIR:** I understand that the *Hansard* transcript will be available later this week and that the public broadcast will be available sooner. Could you have your response to the secretariat by Tuesday, 18 June so we can include it in our deliberations? Thank you for your evidence today.

**Mr Allpass:** Thank you, Chair; thank you, committee.

**KIYINGI, Mr Kulumba, Senior Policy Officer, Queensland Indigenous Family Violence Legal Service**

**SCHWARTZ, Ms Thelma, Principal Legal Officer, Queensland Indigenous Family Violence Legal Service (via videoconference)**

**CHAIR:** Welcome. I invite you to make an opening statement of up to five minutes, after which committee members will have some questions for you.

**Mr Kiyingi:** I thank the committee for granting us the opportunity to appear. I defer to my Principal Legal Officer, Thelma Schwartz, to make the opening statement.

**Ms Schwartz:** My role at the Queensland Indigenous Family Violence Legal Service, QIFVLS, is Principal Legal Officer. I refer to our submission to the committee—No. 210. I would like to acknowledge that I am here and very grateful to be linking in to this committee from the lands of the Gimuy Walubara Yidinji in Cairns. I pay my respect to their elders past and present. I acknowledge that you are all sitting on the lands of the Yagara and Turrbal peoples in Brisbane.

In relation to the submission that QIFVLS has put in, I would like to acknowledge that we are a peak representative body with expertise in relation to family violence as it impacts Aboriginal and Torres Strait Islander men, women and children in Queensland, with eight offices across the state servicing up to 90-plus Aboriginal and Torres Strait Islander communities in our practice areas of domestic and family violence, child protection, family law, sexual violence, Victim Assist Queensland matters and minor civil matters including blue cards. We intersect across and into the criminal law sphere but not providing exclusive criminal law practice services. That is outside the current remit of our service. We are a very proud Aboriginal and Torres Strait Islander community controlled organisation and a family violence prevention legal service, which is a unique service model allowing us to provide the level of service and assistance to our clients in regional and remote Queensland. It is from that basis that we give and bring submissions that we have made in the written submissions before you today.

The bill is quite dense in terms of the raft of reforms captured within it. You can see from the submissions we have put in that we have tailored our response to what we can see generally impacting upon our service primarily as it impacts domestic and family violence but particularly young people. There is a focus on young people in this bill. You can see where we have highlighted some areas of concern, particularly in relation to the removal of the presumption of imprisonment or detention as a last resort. We have really pointed to the committee to look forward. Why aren't we asking why these children are in trouble? Why aren't we looking at the troubled backgrounds that these young people are coming from? We can see it consistently echoed within the data, including Queensland government data. We have highlighted and articulated in our response that these young people engaging in both the child protection system and the youth justice system have themselves also been exposed to or are victims of domestic and family violence and sexual violence.

I also articulate the concern in relation to these young people who are known to both the child protection system and the youth justice system—the crossover children—coming from the Queensland Family and Child Commission's review into this particular cohort that in 2023 Aboriginal and Torres Strait Islander children were almost three times more likely than non-First Nation children to be on both child protection and youth justice orders. That is a statistic that should sound alarm bells across all parts of the system. I think the submission speaks from where we are.

I might just turn to Kulumba to see whether there is anything further that he wishes to add given that it is a quite a broad bill. I am not too sure where the committee will want to go in relation to what we have said or what we may not have said that you might wish to hear us on—possibly in relation to amendments to the Weapons Act which I can see within the bill itself? I will turn to Mr Kiyingi to see whether there is anything he would like to add to that opening statement.

**Mr Kiyingi:** I think the further points which I can make would really emphasise the breadth and scope of the service areas which the Queensland Indigenous Family Violence Legal Service capture. Previous Queensland government data has shown that roughly 14 per cent of non-Indigenous Queenslanders live in regional and remote areas. That is compared to 40 per cent of Aboriginal and Torres Strait Islander Queenslanders who live in regional and remote areas. Some of the domestic and family violence changes have accentuated how the effects would play out in regional and remote areas. That has included police protection notices and how they affect a victim-survivor living in a remote area in terms of having access to immediate court proceedings. That has included the temporary transfer of children and young people from watch houses to youth detention centres. Whilst we support moves to

enable children and young people to have and participate in programs, in our submissions we did highlight just for consideration any particular issues where a child or young person is in a remote location and what might happen if there are issues regarding smooth transport to a youth detention centre.

Our focus, and this is noted in our submission, is that we always prefer to see a whole-of-government and coordinated approach—so all agencies working together, hand in hand and in partnership with Aboriginal and Torres Strait Islander community controlled organisations and other Aboriginal and Torres Strait Islander organisations—to find solutions to enable opportunities, in this instance, for victim-survivors of family violence.

As Ms Schwartz has also pointed out, there are intersections which we have noted in our submission and our frontline staff have noted on the ground. It is quite common that we might have, for example, a mother who comes to us seeking some assistance. There may be particular concerns around domestic and family violence but she also has concerns around housing. There is a reluctance to report because then that places having her children with her in jeopardy. There is a possibility of the children being removed. That example is just to impress upon the committee what we see in that there are varying intersections of issues.

**Mr KRAUSE:** I want to ask about the service of documents by corrective services officers. This was dealt with in your submission. It has been suggested that there be a timeframe specified for service of documents by those officers. Could you outline to the committee the reason for that recommendation that there should be a timeframe?

**Mr Kiyingi:** The reason we noted the timeframe was really about opportunities for clients, particularly Aboriginal and Torres Strait Islander clients in custody, to obtain legal advice. I think that was really the primary concern. One of the issues which we do note and which our staff note is that if there is an inability to obtain prompt legal advice then that has a flow-on effect in terms of the way proceedings are carried out in court. That then leads to delays in proceedings. Judicial officers then obviously get quite concerned about the delays. That also affects justice both for the complainant and for the defendant. I think that is why we noted the requirement for a specified timeframe.

**Mr KRAUSE:** What are your concerns in relation to the proposed amendments to allow the service of documents electronically, particularly for clients in rural and regional communities?

**Mr Kiyingi:** The concerns we had there were in relation to the reliability or unreliability of technology. From time to time we have seen various issues, whether it is with Optus or other services in remote and regional areas. Having a reliable service can be a problem. That was also noted in the National Agreement on Closing the Gap. Target 17 of the national agreement refers to improving the level of digital literacy of Aboriginal and Torres Strait Islander peoples, particularly in regional and remote areas. That was one concern we highlighted there. Whilst in an urban context that may not be as big of a problem, in regional and remote areas that does present some concern. That led to part of our submission where we refer to recommendation 60 of *Hear her voice*—report 1. That recommendation provided that consideration be given to allowing police liaison officers to serve documents. I note that the bill is seeking to progress amendments for corrective services officers to serve documents. If that would be the case then, in the same vein, we would also be seeking for police liaison officers with the appropriate training to be able to provide that service. I might ask Ms Schwartz if there is anything further to add.

**Ms Schwartz:** I think you have clearly articulated it. It is a presumption that everyone has equal and equitable access to the internet across Queensland. With respect, that is a misnomer, particularly in our Cape and Torres Strait Islander communities. It is not uncommon to note that the only viable provider in those regions is Telstra. If you are going up there with Optus as your provider, you may not have internet. In some areas of the Torres, you are forced to stand on the wharf to get the best signal. We have to be really mindful that we do not have that access to service. It is a wonderful goal to move towards, but until such time as all areas of our community including regional and remote Queensland have that access, we have to look at other means that will allow the efficient and timely service of documents on those impacted so that they can then, once duly served, obtain early and prompt legal advice to be ready to defend or respond to matters that are coming to court. I really highlight that. Even in Bamaga, for example, there are still black spots in that community. The Cape York Peninsula Lodge in Bamaga, for example, is a black spot, unfortunately. It is just the reality of the bush. We find workarounds to achieve outcomes.

**Mr KRAUSE:** That has very well outlined those concerns. The concept of gratuitous concurrence was referred to in your submission in relation to the service of documents. Could you speak a little more about that and perhaps give an example?

**Ms Schwartz:** Gratuitous concurrence is a term that should be well known by those who practise within the criminal law context, particularly in relation to the engagement and dealing with Aboriginal and Torres Strait Islander peoples. Historically, Aboriginal and Torres Strait Islander peoples have viewed people such as police and others as authority figures. They will not disagree. They will not provide a negative when being questioned. We see in the traditional questioning that will occur, probably in our more remote and rural areas, an ability of wanting to agree with the person making the statement such as, for example: 'Johnny, you took that bicycle, didn't you?' 'Yes, sir.' 'And then you went with that bicycle down the road and ran over Jimmy's foot.' 'Yeah.' 'And you kept going.' You can see that the whole idea to limit gratuitous concurrence is to ensure that you are asking open-ended questions: 'So what happened on this day?' 'Where were you?' 'What were you doing?' 'Who did you see?' It is engaging in a conversation to ensure that the person on the other side is actually aware that you are talking about something and you are testing the depth of their knowledge and engagement.

It is a trap and people have to be aware of it, particularly with those communities where there is still the hallmark of seeing police as authority figures and engaging with them in such a context. You have to be mindful that you have informed consent and that people know what they are being served with and what you are talking about. I do not know if there is anything further to add on that point around gratuitous concurrence.

**Mr KRAUSE:** In relation to the electronic service of documents, are you concerned not only that there will be a lost opportunity for early advice but also that people may be deemed to have been served with criminal proceedings or whatever proceedings and have absolutely no knowledge at all that it has occurred because they have been sent an email document and cannot receive it because there is no reception or for whatever reason—it has gone into the spam folder or whatever? Is that a concern as well?

**Ms Schwartz:** That certainly does raise alarm bells with me. You are working off a presumption that everyone is articulate in verbal English and written English. We know that with Aboriginal and Torres Strait Islander peoples English may be a third, fourth or fifth language that is clearly and fluently spoken and read. These things do concern me. With anyone engaging especially with criminal law matters, we need to take care. We need to ensure they have the document, they understand that this is a pretty serious document and there is a timeframe that starts once you have received service of a legal document: 'Actually, I need to go and see a lawyer. How do I know that I need to see a lawyer?' My preference is probably personal service so that it is really enforced on the person receiving that document that 'there is something serious happening here and you need to go and obtain independent legal advice about what is in this document that I am giving you'.

**Ms BOLTON:** Going back to your concerns regarding the changes to the sentencing principles, is it because it is too broad in that change and it is not targeting the specific cohort raised during the Youth Justice Reform Select Committee's travels that is impacting the safety of communities and themselves, as we heard even in regional areas? Is it because it is too broad and it is not specific enough?

**Ms Schwartz:** That is a very good question. I really want to enunciate that we all have a right to feel safe within our communities—absolutely. We need to hold to account people who commit crimes—absolutely. When I look at young people who are coming into contact with the system I always look at the evidence, and that evidence is telling me something very specific about their upbringing—the fact that they have been exposed to domestic and family violence and sexual violence, that they are known to both the child protection system and the youth justice system and, according to the Queensland Productivity Commission's sentencing and recidivism report, they will continue to engage with the criminal justice system, graduating to the adult incarceration system. The focus for me in not only harmonising and promoting community safety is looking at and addressing why they continue to engage in criminal behaviours. We have to get to the heart of this because we can see how much we spend on back-end responses. The more I go around community and listen to people and sit with people, people ask: 'What are we doing? What is going on in the home? Why are they out and about? Why are they known to the system and we are not capturing them and addressing them? How do we respond earlier on in the system to assist families?'

You can see in the depth of the report our submission to you when engaging with child protection, because the majority of my practice is case work supporting people engaging in the child protection system. At the genesis of it is domestic and family violence. We have called for an early child protection notification and referral scheme. This scheme currently has traction in the Northern Territory, where our sister organisation NAAFLS received a grant of philanthropic funding from the Paul Ramsay Foundation. We have in-principle written support from the Northern Territory government to look at and



invest in building principles for working earlier with families engaging in the system. We also have recommendations coming out of the Yoorrook Justice Commission in Victoria seeking to mandate an early referral model scheme for those engaging in the child protection system.

We need to look earlier down the piece because we know what happens when they come in: it is a one-way ticket to adult incarceration. I am being quite blunt about it given what we see in the data. That is the data projection—and it is not just Aboriginal and Torres Strait Islander children; it is children where there are disadvantage factors. I think these are the things that really concern me. I absolutely amplify the right to live in safe communities and the right to live lives free of violence. How do we harmonise this and achieve it?

**Ms BUSH:** I am happy to direct this question anywhere but, Thelma, it may be to you. Your submission speaks about the Closing the Gap targets. A 30 per cent reduction by 2031 is the aim. Do you have any projections or have you completed any modelling on what this bill could do to our targets?

**Ms Schwartz:** I am going to jump in. I know that Mr Kiyingi touched on it in his opening. We are not on track to achieve any of these targets. We could see that from the national Productivity Commission's review into how we have tracked for the last three years. Yes, I agree that these are some lofty ambitions that we have set ourselves up to achieve. All governments, including the Queensland government, have signed off on achieving those targets, including the justice targets and targets 10 and 11. We have the out-of-home-care target to reduce the rate of our children in out-of-home care by 45 per cent by 2031 and then target 13 to reduce the rate of violence experienced by Aboriginal and Torres Strait Islander women and their children by 50 per cent as we progress to zero by 2031. Are we on track? I do not think so.

I think it comes back to the fact that we have not harmonised responses across all of our systems and looked at treating and coming in much earlier. We know what happens when you come in and you have a system that is responding the best it can to meet a number of different pressure points and especially keeping members of our community safe. I absolutely understand and I respect that, but how do we stop people offending? How do we change behaviours? That takes a lot of time and investment. The Productivity Commissioner found that governments need to work better with Aboriginal and Torres Strait Islander community controlled organisations. It found a prevalence of 'government knows best'. With respect, government does not know best and it is time to work with ACCOs and Aboriginal and Torres Strait Islander peoples to achieve better outcomes for our communities and the broader community.

**Ms BUSH:** There are clauses in the bill that will enable the temporary and daily transfer of young people from watch houses to detention centres. The explanatory notes and the explanatory speech speak to why that is, including access to education, fresh air and sunshine. I could not see where you had made a response in your submission on that particular clause. Do you have any views on that?

**Ms Schwartz:** I think it is a good idea. I do not think there is any benefit in having our young people caged up in concrete cells in watch houses, because that is the reality: they are concrete cells. I have visited enough watch houses in my time as a criminal defence lawyer to understand what being in that cell is like, why so many young people are then put into those smocks to restrain them and why you have very upset and angry people in there—and not only young people but adults.

Getting out, having daylight and being able to engage in education I think would be a benefit. If we can get our young people back on track into schooling, having dreams and ambitions to do something—because they all had dreams and ambitions before it went off the keg. Why have we forgotten about these young people? They are children. They are all our children and, my God, they are human beings. I think this gets missed sometimes when we think about building the best responses for our communities. We also have to remember those people held in these types of conditions. I do not know if there is anything else to add there, Kulumba. Can you point out if we did respond to that in the written submission?

**Mr Kiyingi:** I think we would support the opportunity to participate in programs. The only matter we noted was towards the end of our submission, around children and young people where they are placed in watch houses in remote or regional locations, enabling a smooth transfer from the watch house location to a youth detention centre for the purpose of participating in programs. That is something we would seek to highlight, that there is a requirement for government agencies to work together to enable that smooth transfer of children and young people so that kids in remote and rural areas have the same opportunities as kids in the urban centres.

**Ms BUSH:** Understood, thank you.

**CHAIR:** That concludes the hearing. Thank you to everyone who participated today. Thanks to all those who helped to organise the hearing. Thank you to our Hansard reporters. A transcript of the proceedings will be available on the committee's webpage in due course. I thank our secretariat and committee members. I declare the public hearing closed.

**The committee adjourned at 11.12 am.**