

## Queensland Community Safety Bill 2024

**Submission No:** 152  
**Submitted by:** Samara McPhedran  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

## **Queensland Community Safety Bill 2024**

### **Submission to the Community Safety and Legal Affairs Committee**

#### *Introduction*

I am pleased to make this submission regarding the Queensland Community Safety Bill 2024 (the Bill).

I work at the intersection of psychology, criminology, and public policy and specialise in the study of homicide, suicide, and domestic and family violence. My research has been published widely in both academic and mainstream media outlets. I am an internationally recognised expert in the study of firearm violence and its prevention. As such, this submission largely focuses on matters relating to firearms. My scholarship on this topic has been extensively cited, including by the World Health Organisation, the United States Library of Congress, and numerous government and non-government organisations.

From 2016 to 2020 I was the Deputy Director of the Griffith University Violence Research and Prevention Program, and from 2018 to 2020 I was the Director of the Griffith University Homicide Research Unit. I am currently an Honorary Associate Professor with the TC Beirne School of Law, University of Queensland. I have also served on the Queensland Police Minister's Weapons Advisory Panel for a number of years.

The contents of this submission do not represent the views of any organisation.

Dr Samara McPhedran

LLB, BA(Hons), GDLP, PhD

### *Availability and accuracy of information*

The Explanatory Notes to the Bill contain a number of statements about firearms in Queensland. These include comments on firearm ownership, firearm theft, and firearm offences.

If the Explanatory Notes are accepted as providing the objectives and need for the measures advanced in the Bill, then significant limitations within those Notes and contradictions and inconsistencies in the available information must be acknowledged.

Collectively, these problems raise questions about the accuracy, transparency, and reliability of the program logic/assumptions underlying parts of the Bill.

### Firearm ownership

The Explanatory Notes state that:

Queensland has experienced an increase of more than 60% in the number of registered firearms within the community since 2013, with the number of registered firearms increasing to over 1 million firearms in early 2024.

Historically, figures about the number of firearm licence holders and legally owned firearms in Queensland have not been routinely released for public scrutiny. There are a number of gaps in the data, particularly for the years prior to 2010. This makes it challenging to draw exact conclusions about changes over a longer time period. However, it appears reasonable, on the basis of available information, to state that there have been steady increases in legal firearm ownership over time.<sup>1</sup>

### Firearm theft

The Explanatory Notes state that:

The rate of firearms reported as stolen has also increased by at least 21% within the last decade, with over 779 firearms reported stolen in 2023.

Firearm theft statistics are not routinely released by the Queensland Government, meaning that reliable, independent verification of statements about trends over time is not possible. This creates a **lack of transparency**.

For example, on 23 February 2018 the Honourable Mark Ryan, Minister for Police, issued a media release titled “Gun theft at its lowest in four years”.<sup>2</sup> That media release included the statements:

Gun theft in Queensland is at its lowest in four years, as the Palaszczuk Government continues to provide the resources that police need to crack down on illegal gun possession and stealing. Queensland Police Service (QPS) statistics show the number of firearms stolen decreased to 581 in 2017, compared to 777 in 2016, 614 in 2015 and 627 in 2014.

Police Minister Mark Ryan said despite this decline, police had not lessened their efforts to crack down on gun thefts.

---

<sup>1</sup> In any calculation of rates of firearm ownership (rather than raw numbers), the reference population is persons aged 18 years and over, not all persons (because persons under 18 years of age are not legally permitted to own firearms).

<sup>2</sup> <https://statements.qld.gov.au/statements/83807>

“The QPS has a dedicated firearms investigation unit which exists within State Crime Command and they have undertaken a number of proactive and reactive strategies in response to the illegal firearm trade.

“The Palaszczuk Government is committed to providing police with the resources they need, highlighted by the record \$2.34 billion police budget handed down for the 2017-18 financial year.

Some examples of QPS proactive and reactive strategies in response to the illegal firearm trade include:

Operating in a number of overt and covert operational environments targeting the threat of firearm-related violence and the trafficking of firearms;

Working in collaboration with partner state and federal law enforcement agencies to identify persons involved in the unlawful possession and manufacture of firearms;

Campaigning and raising awareness to licensed firearms holders about their obligations to maintain appropriate firearms security strategies....

If increased police resourcing and proactive investigation of the illegal firearm trade and trafficking were associated with lower firearm theft for the 2017 calendar year relative to previous years, then this raises questions as to why – based on figures given in the Explanatory Notes to the Bill – the number of stolen firearms in 2023 has seemingly returned to approximately the same level as in 2016.

It appears that the decline in theft that was reported in 2018 occurred despite ongoing increases in legal ownership. This highlights the need to better understand the full set of circumstances surrounding firearm theft, and particularly the factors that may be associated with trends in theft. **All data held by Queensland Police about firearm theft should be made publicly available.**

There is no up to date, Queensland-specific information available about what types of firearms were stolen, from whom and where, from what types of premises/storage, and whether those patterns have changed over time. It is also unclear the extent to which compromised police staffing and poor police record keeping about seized firearms may have contributed to firearm theft statistics.<sup>3</sup>

There is no publicly available Queensland-specific information about stolen firearms recovered in the context of criminal activity. This information is important. For example, past work by the Australian Government indicates that the majority of firearms recovered in the context of serious or organised crime are Categories C, D, or H (i.e., highly restricted types), whereas stolen firearms are typically Categories A or B.<sup>4</sup>

**All data held by Queensland Police about firearms seized in the context of criminal activity should be made publicly available.**

Very little research exists on the methods by which individuals access firearms used in crime in Australia. This makes it challenging to discern exact pathways from firearm theft to violent crime, to quantify the extent to which theft contributes to the pool of firearms used in crimes, and to identify specific points for policy intervention.

---

<sup>3</sup> See for example: <https://www.goldcoastbulletin.com.au/news/crime-court/queensland-police-service-employee-stood-down-and-charged-with-firearms-theft/news-story/cdd07644ddfbc3ea34dc0da3180cefbf>

<sup>4</sup> Submission by the Australian Institute of Criminology to the Senate Inquiry into The ability of Australian law enforcement authorities to eliminate gun related violence in the community.

There is no published information about who steals firearms in Queensland and what other factors are associated with firearm theft (that is, what types of issues drive the ‘demand’ side of the equation).

Concerningly, Australian information about sources of illegal firearms suggests that the personal connections built in juvenile as well as adult custodial spaces play a key role in facilitating connections with peers or ‘known persons’ in the gun supply/procurement chain.<sup>5</sup> This is consistent with broader evidence about custodial settings and criminal networks.

Given the punitive nature of many measures advanced in the Bill, and the likelihood that they will increase both juvenile and adult involvement with the custodial system, this suggests that **certain components of the Bill may actively increase the risk of a range of criminal behaviours, including firearm violence.**

### Firearm offences

The Explanatory Notes state that:

[T]he increased number of reported offences involving firearms in Queensland...has risen at least 30% in the last decade, with approximately 3,352 reported firearm offences in 2023.

It is unclear where these figures come from. Publicly available Queensland Police statistics show that in 2023, there were more than 7,600 Weapons Act offences in total (noting that this includes a very wide range of offences, across multiple different types of weapons).

Firearm-specific offence statistics are only given for ‘Unlawful Possess Concealable Firearm’ and ‘Unlawful Possess Firearm – Other’. For 2023, there were 200 instances of ‘Unlawful Possess Concealable Firearm’ and 667 instances of ‘Unlawful Possess Firearm – Other’.

It is not clear what circumstances surrounded these offences (for example, whether unlawful possession occurred in the context of other, non-Weapons Act offences) and, again, there is no information available about offender characteristics.

It is also unclear what ‘Weapons Act – Other’ offences related to, what types of weapons those offences involved, and whether those offences were ‘administrative’ or otherwise in nature.

Figure 1, below, shows numbers of Weapons Act offences over time. Figure 2 shows rates.<sup>6</sup>

---

<sup>5</sup> Bright, D., Halsey, M., Goldsmith, A., & Goudie, S. (2023). “I Know a Guy and He’s Got Guns Galore”: Accessing Crime Guns in the Australian Illicit Firearms Market. *Deviant Behavior*, 44(5), 671–689.

<sup>6</sup> All data are sourced from: <https://mypolice.qld.gov.au/queensland-crime-statistics/>

### Weapons Act offences Jan 2001 to Mar 2024 - rates

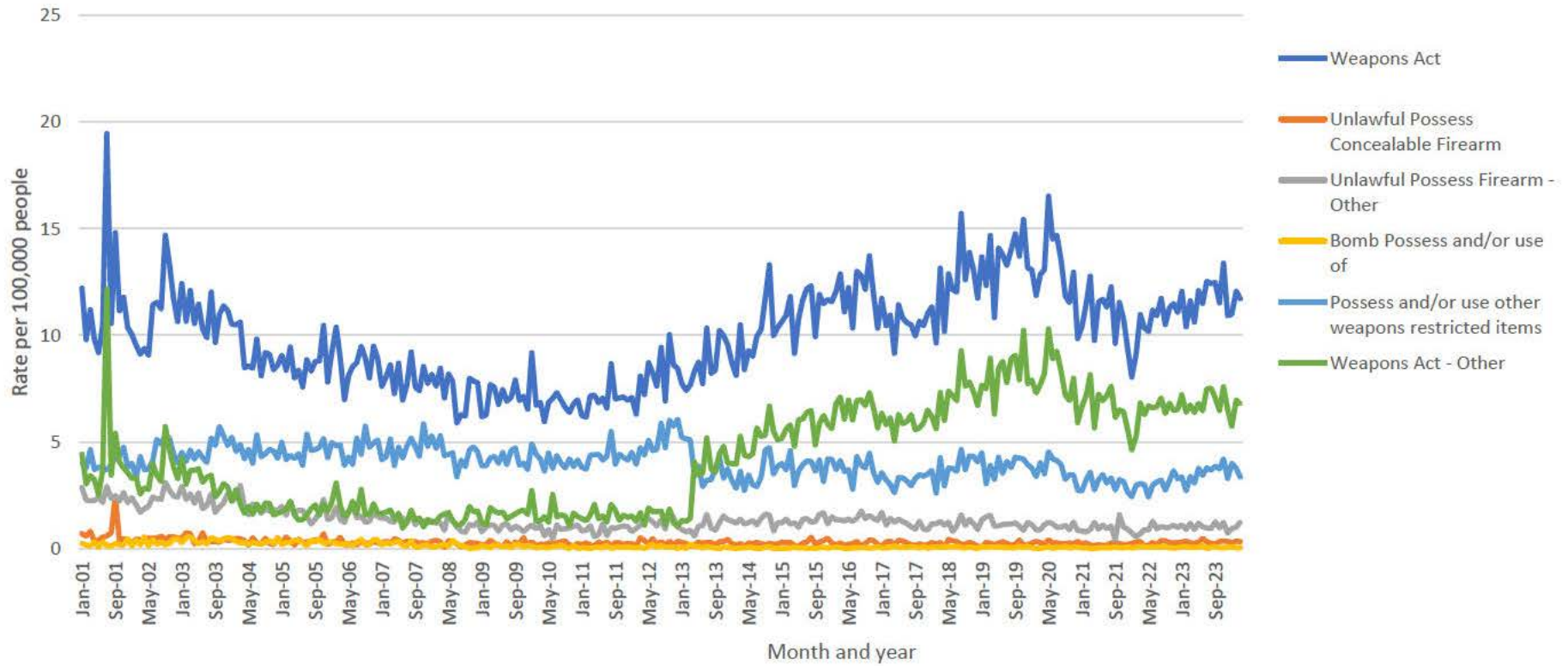


Figure 1: Rate of Weapons Act offences Jan 2001 to Mar 2024

Weapons Act offences Jan 2001 to Mar 2024 - numbers

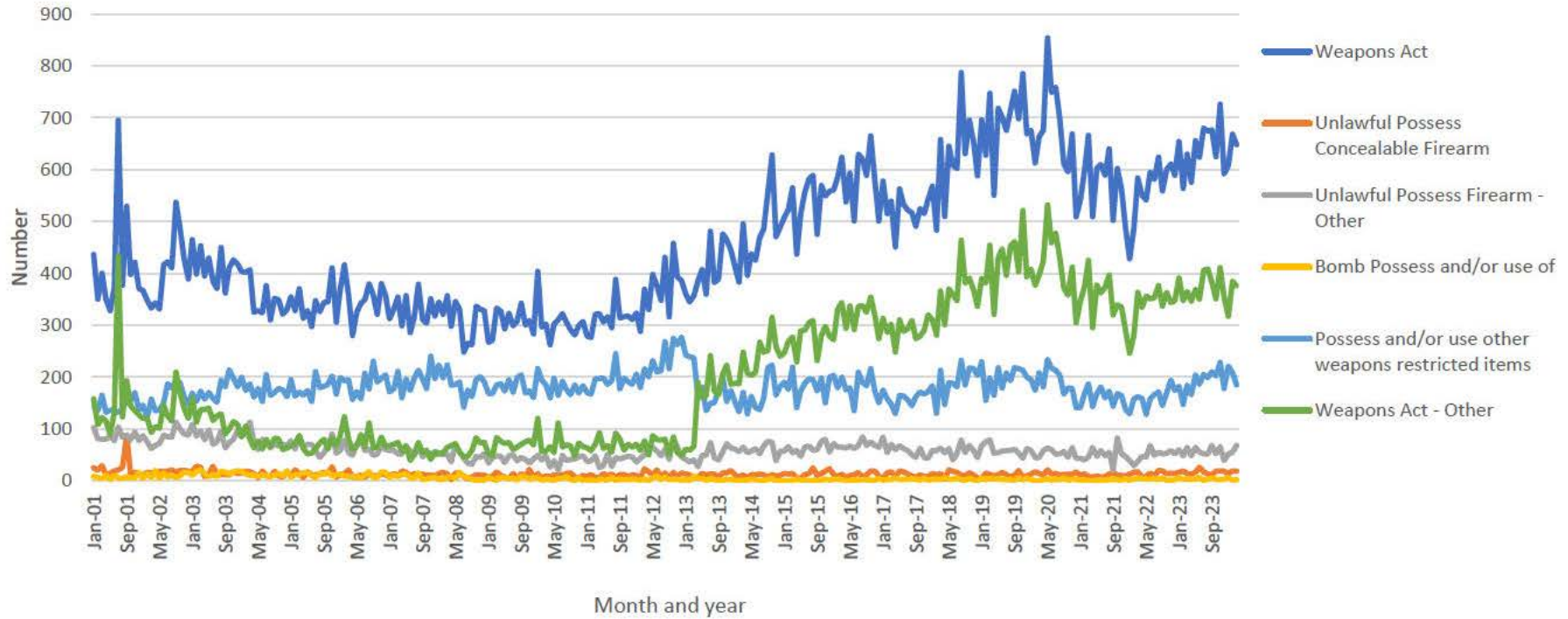


Figure 2: Number of Weapons Act offences Jan 2001 to Mar 2024

Based on the available figures, it appears that **unlawful possession of concealable firearm offences have remained relatively stable over time** and **unlawful possession of other firearm offences have declined**.

Note that total offences and 'Weapons Act offences – other' peaked in 2020 and have been declining since that time.

Note also that there is a distinct 'jump' in 'Weapons Act offences – other' between 2012 and 2013. The reasons for this are unclear. What constitutes a Weapons Act offence has changed over time, and includes a very wide range of different offence types (including 'administrative' offences). It is reasonable to suggest that the *Weapons and Other Legislation Amendment Act 2012*, the *Weapons Amendment Act 2011*, and the *Domestic and Family Violence Protection Act 2012* (which interacts with the Weapons Act) may have played a role in this sudden change.

Changes in statistics can reflect changing definitions and an expanded scope of legislation. Statistical changes can also be associated with changes in enforcement activity (i.e., the more an offence is 'looked for' the more it tends to be found). Due caution should therefore be applied.

The overall absence of disaggregated data for different types of offences and weapon types creates a **lack of transparency around the crime statistics** that are used to justify certain measures within the Bill. This lack also precludes the ability to undertake robust, independent assessment of likely impacts of the proposed measures in the Bill. This relates as much to the use of non-firearm weapons such as knives, as it does to firearms. **Disaggregated statistics by specific offence type and weapon type must be made publicly available.**

### *Firearm crime in Queensland*

Given the lack of transparency within Queensland Police statistics about firearm offences in Queensland, this section uses Australian Bureau of Statistics data<sup>7</sup> to provide a long-term overview of firearm crime in Queensland.<sup>8</sup> The most reliable long-term indicators are homicide and armed robbery, because the classification of those crimes remains consistent over time.<sup>9</sup>

---

<sup>7</sup> Australian Bureau of Statistics. (various years). *Causes of Death Australia*. ABS: Canberra; Australian Bureau of Statistics. (various years). *Recorded Crime – Victims*. ABS: Canberra. Statistics are not yet available for the 2023 calendar year. Data may be subject to revision.

<sup>8</sup> Due to variations in data availability and continuity, the time series begin at different points.

<sup>9</sup> For many other offences, legislative and policy changes mean that statistics cannot be directly compared over time.



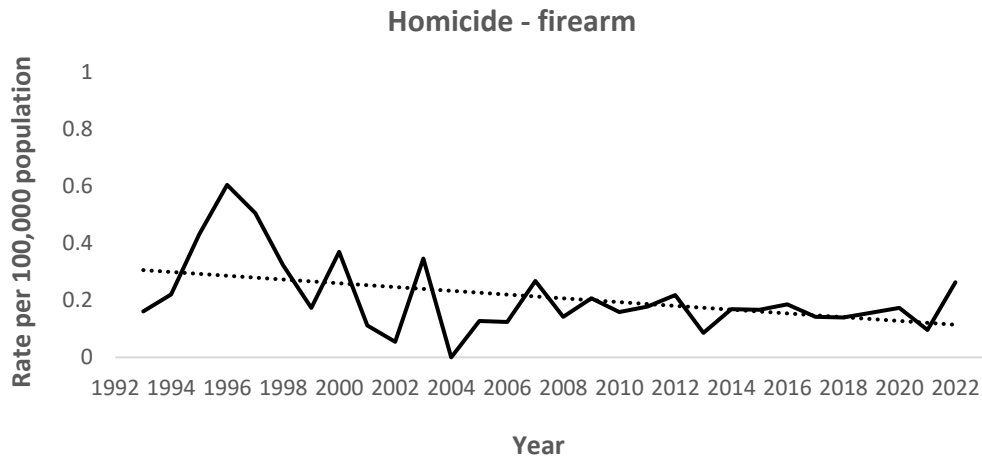


Figure 3: Queensland firearm homicide rates over time

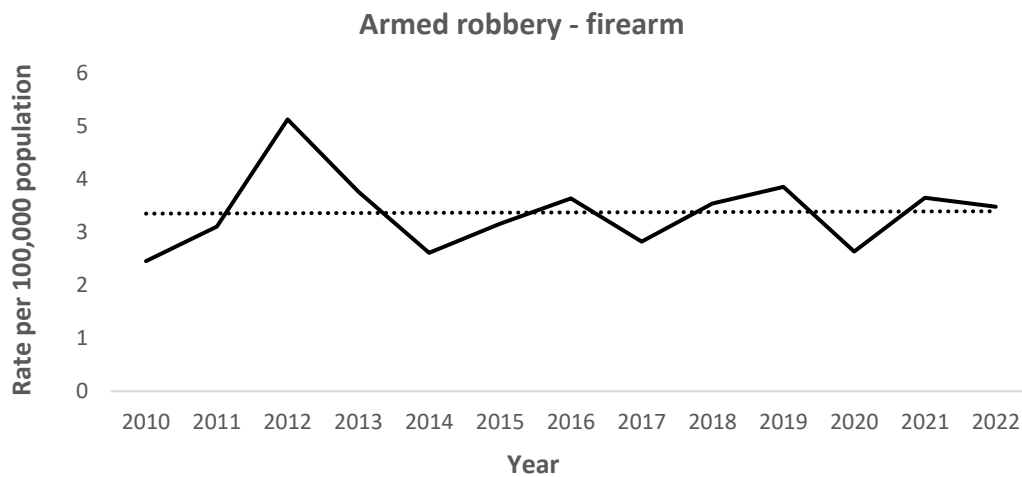


Figure 4: Queensland armed robbery with a firearm rates over time

Due to low numbers of firearm homicide deaths (on average, around eight deaths per year), small changes in the number of deaths can cause rates to fluctuate markedly from year to year. Data should be viewed with caution. Long-term trends provide a more accurate indicator than short-term variations.

Overall, **rates of firearm homicide have been declining** over a long period of time<sup>10</sup> while **rates of armed robbery with a firearm have remained relatively stable** over the past decade.

This raises questions about what, exactly, has brought about the observed trends in firearm violence and to what extent those trends can be attributed to legislation (and if so, which specific components of legislation) or to other factors (such as socioeconomic circumstances, broader changes in social and justice policy, etc).

<sup>10</sup> This trend is heavily influenced by peaks in the mid-1990s.

Without proper consideration of these nuances, **it cannot be expected that the proposed measures outlined in the Bill will deliver tangible impacts on violence in the community.**

#### *Victims of domestic and family violence homicide*

Since 2014, the Australian Bureau of Statistics has published specific information about victims of domestic and family violence related offences, including ‘homicide and related offences’.<sup>11</sup> Table 1 shows Queensland statistics by year. Acknowledging that the Bill contains various provisions around domestic and family violence, this Table is provided for information only.

Table 1: Domestic and family violence related homicide incidents in Queensland<sup>12</sup>

Year	Total incidents	Incidents involving a firearm
2014	46	4
2015	35	0
2016	37	3
2017	27	3
2018	20	0
2019	20	0
2020	28	0
2021	8	0
2022	29	0

#### *Evidence-based measures to reduce firearm related crime*

While relatively little Australian research has been conducted into firearm violence prevention, there exists a substantial body of international information. Although caution should always be applied when extrapolating findings from different settings, that work nevertheless provides useful insights.

Briefly, **measures that have been found to have little or no impact on firearm violence** include harsher sentencing, extended prison terms, amnesties/buybacks, and longarm registration.

In contrast, **measures that have been found to be successful in reducing firearm violence** include:

- ‘problem oriented policing’ (such as focussing on crime ‘hotspots’);
- concerted efforts to seize firearms from criminals, target gun traffickers, and prosecute gun crimes;
- enhanced case management and tailored probation/parole strategies for firearm violence offenders;
- intensive rehabilitation programs that address underlying individual factors associated with violence; and

<sup>11</sup> This category consists of murder, attempted murder, and manslaughter (and excludes driving causing death).

<sup>12</sup> Australian Bureau of Statistics. (various years). *Recorded Crime – Victims*. ABS: Canberra. Statistics are not yet available for the 2023 calendar year. Data may be subject to revision.

- community-based interventions that are multi-faceted and developed in close collaboration with communities (and, ideally, are community led).

Successful responses are proportional, place-based, and take socioeconomic and cultural context into consideration.

Although it is clear that the Bill seeks to address possession of firearms by 'high risk' individuals through some of the proposed measures, it contains very little that aligns with evidence-based measures that have been found to reduce firearm violence (and, indeed, violence more broadly).

In relation to Firearm Prohibition Orders (FPOs), for example, information from New South Wales and Victoria suggests that very few firearms are detected during the warrantless searches authorised by FPOs. An emerging body of legal reasoning also suggests that FPOs are unlikely to reduce a prohibited person's level of risk to the community.

It has been observed that FPOs may be **disproportionately applied to persons of certain ethnic, racial or cultural backgrounds**, who may also experience inequitable access to legal support. This runs the risk of increasing tensions between communities and police, particularly in socially disadvantaged communities, and is at direct odds with the need to build genuine relationships with those communities.

Again, this highlights the prospect of the proposed measures having unintended negative outcomes. Given the issues around systemic racism in policing that were exposed during the recent Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, it is prudent to recognise the **potential for discriminatory practices to occur in the context of FPOs**. The Bill does not contain any measures to mitigate against this and oversight 'after the fact' cannot adequately fulfil that objective.

#### *Other matters*

There appears to be little consideration in the Bill of any rehabilitative principles. Overall, the generally punitive nature of the Bill is unlikely to deliver any genuine or long-term reductions in criminal behaviours.

While the Community Safety Plan for Queensland to which this Bill relates does contain some measures that recognise socioeconomic and other factors that contribute to violent crime and criminality more broadly, there is little recognition of the role that communities who are at elevated risk of experiencing violence play in developing and implementing local solutions that reflect local needs. Overall, the measures put forward in that Plan appear to be **piecemeal, ad-hoc, and focussed on policing at the expense of other systems and alternative responses**.