

Queensland Community Safety Bill 2024

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Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
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Dear Secretary

Queensland Community Safety Bill 2024

The Bill has admirable objectives, which makes the limited timeframe to review and make submissions concerning. The Bill outlines over 180 pages of amendments over 14 different legislations, therefore should have a submission timeframe to match to ensure these objectives can be met without unintentional consequences.

Due to the limited time this submission is restricted to **Section 141E (4)(a)**

Section 141E (4)(a)

Subdivision 1 Considerations for making firearm prohibition orders

141E Matters to consider for making firearm prohibition orders—adults

(2) The commissioner or the court may have regard to the following—

(d) whether the individual is an associate of a recognised offender;

(4) For this section, an individual is an associate of a recognised offender if the individual—

(a) has a romantic or familial relationship with the offender; or

There is only a singular reference to “familial relationship” in the Bill without definition; “familial relationship” is not defined in the Bill, the current Act, nor the Acts Interpretation Act 1954 Qld.

An examination of other equivalent legislations around Australia found there was no similar reference to “familial relationship”.

Legislation	Similar reference to familial relationship
Firearms Act 1996 NSW Part 7—Firearms prohibition orders	No
Firearms Act 1996 VIC Division 3—Firearm prohibition orders	No
Firearms Act 2015 SA	No

Part 8—Firearms prohibition orders	
Firearms Act 1973 WA Part 8 — Firearms prohibition orders	No
Firearms Act 1996 TAS PART 8 - Firearms Prohibition Orders	No

A decision based on this section as it is currently written in The Bill could adversely affect a persons’ rights, interests, or legitimate expectations.

Therefore to remove the likelihood of procedural unfairness, it is recommended to remove the reference to “**familial relationship**” from the Bill and potential Amended Act.

If the committee cannot consider the removal of the reference to “**familial relationship**”, then it is recommended that familial relationship is defined in the Act as per the UN Human Rights Committee (UNHRC) definition:

more than a formal familial relationship (ie father-son) is required to demonstrate a family for the purposes of article 17(1). Some degree of effective family life or family connection must also be shown to exist.

Some minimal requirements for the existence of a family are, however, necessary, such as life together, economic ties, a regular and intense relationship, etc.

<https://humanrights.gov.au/our-work/publications/hreoc-report-no-39-complaint-mr-huong-nguyen-and-mr-austin-okoye#endnote33>

These suggested changes would protect the weapons’ licensee from being arbitrarily linked to a recognised offender when they are only linked at the level of society expectations / norms. Such as Christmas, Easter, Birthday, Wedding, Anniversary, mother’s/father’s day or similar events, or the occasional like/comment on a social media post.

Opinions expressed are solely my own, and do not express the views or opinions of organisations I may be associated with.

Kind Regards

Lia Cragolini

