

Queensland Community Safety Bill 2024

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Submitted by: Christine Thomson
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Due to the short consultation time that has been allowed, I am making a submission that is not comprehensive. I do not object to all of the contents of this Bill. However, I object to the short consultation time given to the public. Also, this consultation time was poorly advertised. Most people are not aware of the contents of the proposed Community Safety Bill.

The points that I object to are based on giving powers to anyone, in this case, the police service, that can be abused. One of the reasons for a possible over-reach or abuse is that certain terms are not adequately defined and the laws or permissions are given which can be used for a broader range of purposes.

In the Explanatory Notes it says:

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

The Bill introduces amendments to further improve the efficiency and effectiveness of the Weapons Act with a focus on enhancing firearm regulation and firearm licence decisions, prioritising public interest and safety. As part of this package, the Bill amends the Weapons Act to better support **the exclusion of people who have committed relevant offences outside the five-year mandatory exclusion period that would make them unsuitable to possess a firearm**.

When considering if it is in the public interest to make an FPO in relation to an adult, the decision maker may have regard to:

- the individual's criminal or domestic violence history (including, but not limited to, whether the person has been subject to a domestic violence order);
- the individual's behaviour, particularly violent or aggressive behaviour or behaviour involving the use of a weapon;
- whether the individual has been a participant in a criminal or terrorist organisation;
- ***whether the individual is an associate of a recognised offender (meaning a person who has a recorded conviction for a relevant offence)***;
- whether the individual has communicated in a public forum, or to another individual, that they intend or wish to commit a serious offence;
- whether the individual has ever been subject to a relevant court order, such as a Commonwealth control order or an order made under the *Dangerous Prisoners (Sexual Offenders) Act 2003*;
- the risk the individual poses to public safety or security, and the extent to which making the order will reduce this risk; and
- any other matter or information which indicates the possession of a firearm by the individual would be likely to pose a risk to public safety or security.

1. An FPO comes into effect upon the personal service of the order by a police officer, or if the FPO is court issued and the respondent is present in court when the order is made, the order comes into effect when the court makes the order. However, acknowledging the likelihood of individuals subject to an order attempting to evade police and avoid the order coming into effect, police officers are empowered to issue a direction to an individual subject to an order to facilitate service of the FPO. The power to issue a direction will allow a police officer to direct a person to confirm their identity (if necessary), remain at an appropriate place, attend a police station, or accompany the police officer to the nearest police station for the purpose of service of the FPO. It is an offence to not comply with this direction without reasonable excuse, with the offence carrying a maximum penalty of 40 penalty units.

Numerous legislative safeguards have been incorporated into the Bill to ensure the appropriate use of this power, including:

- requiring a police officer to keep the person appropriately informed, for example, why the direction has been given and that the person is not under arrest;
- limiting the time in which a person may be directed to remain at an appropriate place to 1 hour, or a longer time that is not more than 2 hours which is reasonably necessary having regard to the circumstances;

- providing that the location a person is directed to move must be within a reasonable distance of the person's current location;
 - requiring a police officer to warn the person that failure to comply with the direction without reasonable excuse may result in the person's arrest and give the person a reasonable opportunity to comply with the direction, and if practicable, requiring the officer to repeat the warning if necessary and give the person a further opportunity to comply; and
 - stipulating that a person does not commit an offence by failing to comply with the direction if a police officer did not issue the appropriate warning.
2. An individual subject to an FPO must also immediately surrender any firearm or firearm related item to the police service, along with any relevant licence or authority related to a firearm or firearm related item that is subsequently revoked due to the issuing of an FPO. **To ensure compliance with an FPO, this Bill empowers police officers to conduct warrantless searches, when reasonably required to ensure compliance with the order,** of: the individual subject to the FPO and anything else in their possession; any vehicle registered to the individual subject to the FPO, or which the individual is driving or riding, or is in charge or control of, and any vehicle the individual is a passenger in or on; any premises owned or occupied by, or under the care, control, or management of, the individuals

In summary, I object to giving the police service the powers to:

1) Is "high-risk individuals" clearly defined?

2) conduct "warrantless searches". This could be misused by some police service members in the future. Warrants need to be kept in as a way to ensure accountability and reduce overreach in certain scenarios. Please, if something can be abused, it will be abused at some stage. That is why we are having this Community Protection Bill in the first place. Well, it works both ways. The police are still people and people can make bad choices and sometimes police can become offenders. Please provide this safeguard of warrants being necessary. Perhaps look into a streamlining of the warrant process, but do not allow warrantless searches.

3) **whether the individual is an associate of a recognised offender (meaning a person who has a recorded conviction for a relevant offence);**

As this says, this is very vague. What does "an associate" mean? I object to guilt by association. This needs to be a very close association and not just that the person went to school with someone or has an errant relative and so that person is guilty by association. This is unacceptable.

4) **whether the individual has communicated in a public forum, or to another individual, that they intend or wish to commit a serious offence**

Does this clause suggest that there will be surveillance powers given to listen to "the individual" in all of their conversations with others. This is a concern that the powers can be misused to surveil innocent people.

Due to limited time to submit before 10am Thursday 16 May (today), I will submit these 3 objections and thank you for understanding this was a rushed submission.

Christine Thomson

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