

Queensland Community Safety Bill 2024

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Dear Community Safety and Legal Affairs Committee,

Thank you for the opportunity to address some of my concerns with the Queensland Community Safety Bill 2024 which are outlined below.

FIREARM PROHIBITION ORDER

The proposed Firearms Prohibition Order (FPO) Scheme will allow the Queensland Police Commissioner to make a Firearms Prohibition Order without having to get a Court approval for a duration of 60 days, if the Commissioner is satisfied it is in the public interest to make the Order. If a longer duration is necessary, the Commissioner may apply to the Court for an extension of a FPO.

Minister Ryan has claimed that the Queensland FPO Model aligns with similar schemes used throughout Australia but there is a serious concern regarding the extent to which schemes in other States protect against potential miscarriages of justice directly linked to FPOs from other jurisdictions and disparities if any were not referred to by the Minister in his Introductory Speech regarding this area of the Bill.

I find serious concerns with the broad term 'public interest', this leaves only the imagination as to when and how Police issue an FBO, it could be handed out to certain people during a safety inspection to target certain weapons classes or being used as a punitive device dished out for any reason politically or personally motivated by the Government of the Day.

For workers on properties, I can see that any person taking on or associating with, say for instance a Contract Musterer, or if a Ringer/Jillaroo was to become involved with a significant other and have them onto a property without them revealing they have FPO in place, may see the Property caught up a situation that could result in weapons being confiscated.

The term broad 'public interest' requires a clearer definition and particulars on what this means concerning types of situations QPS are triggered to issue FPO's. The Bill provides that when considering if it is in the public interest to make an FPO the decisionmaker may have regard to:

- the individual's criminal or domestic violence history including whether a person has been subject to a Domestic Violence Order;
- the individual's behaviour, particularly violent or aggressive behaviour;

- whether the individual has communicated to another individual that they intend or wish to commit a serious offence;
- whether the individual has been subject to an Order under the Dangerous Prisoners (Sexual Offenders) Act 2003; and
- any other matter or information which indicates possession of a firearm by an individual would be likely to pose a risk to public safety or security.

Stockmen and Ringers right to passage is having a blue or fight and although they may exhibit 'aggressive behaviour' to each other pose no threat to others either in their group or society as a whole, if a FBO is placed on these people they will not be able to go back to work and it will limit the staff on properties that already cannot get staff.

The Bill suggests that the Queensland Police can consider an individual's 'aggressive behaviour' in deciding whether to issue an FPO. Such 'aggressive behaviour' does not even have to be the subject of a criminal charge so how does this cater for people in the bush?

Consider a genuine dispute over stolen property or deliberate property damage or your child be bashed in a park by others, is the victims "aggressive behaviour" enough for them to not only be the victim of the crime but a victim of the Government because they were rightfully angry and showed "aggressive behaviour"?

Also does this mean that a recidivist offender that has targeted a property or business and that person is fed up with because of the person being let out and reoffends by "the system" and is facing losing their business or cannot live in the neighbourhood shows "aggressive behaviour" because their life has been destroyed, they will then to add insult to injury be slammed with an FPO on top of their already abysmal situation?

An FPO can also be made where an individual has communicated to another individual that they intend or wish to commit a serious offence. It would be acceptable for an FPO to be laid by a Police Officer if the serious offence involved potential grievous bodily harm or a bank robbery or the like and there is an immediate threat of that event happening. It can be imagined, however, that particularly in domestic violence cases a person can falsely accuse a spouse or a partner of having made a threat that they intend or wish to commit a serious offence where the allegation is 'word against word' in the context of a bitter breakup of a relationship. It is to be noted that the proposed scheme allows a Police Officer delegated by the Police Commissioner to issue an FPO for 60 days. While a person may appeal the making of the Order, the delay and costs inherent in an Appeal are considerable. While control of firearms within the community is vital, it is important that unintended consequences that can flow from a Police issued FPO for 60 days before the Police have to go to Court be addressed as a matter of urgency before this Bill is passed by Parliament. What happens to a farmer who requires access to a firearm for his/her work including dealing with wild animal attacks on stock if the local Police Officer serves him/her with an FPO.

Other concerns about the unintended consequences of this new bill could be for our multicultural communities, and for Queensland Gun Dealers and associated business chains.

The first being the broad scope of what would either re-classify someone as not being 'fit and proper' or see someone being issued with a FBO. If passed, this bill could see individuals being charged with offenses that are undisclosed and difficult to dispute unless challenged in court. An option that is unattainable for the average person during this cost-of-living crisis.

The second major concern is for the proposed changes/additions around the 'guilty by association' laws and how our Dealership licenses could be put at risk because of them. Under this type of legislation, Queensland Gun Dealers could have their ability to trade heavily impacted without notice. If for example, one of their employees became romantically involved with a person who had not disclosed that they were issued a Firearms Prohibition Order, that situation would see their employer's dealers licence revoked causing significant hardship for all involved and down the line associations in the business / community chain.

In summary, there are very broad terms subject to interpretation used in this bill, frustration with Governments at an all-time high with protests at Parliament House daily and the fact that consultation is at an all-time low with key stakeholders, this period of which this Bills consultation period is testimony to these facts. As we know a Bill similar to this was introduced by the LNP and was discarded due to the wide-ranging unintended consequences.

Each time we make a law like this in Queensland we should consider all the people who do the right thing and actually uphold the law and support the Government in the way weapons are traded here in this State as the Dealers Association here in Queensland states.

“I think this bill could be improved so that the state could achieve its desired outcomes of reducing crime across all fronts, without unnecessarily impacting the people that are doing the right thing. As with any change in legislation, the law of unintended consequences will likely prevail, and I fear that by making legal firearm ownership harder, it will only bolster the ‘black market’ firearm trade.

As Dealers we serve a critical role in helping to facilitate the Weapons Act and Regulations, and frequently assist Police branches in the handling and storage of firearms, and I don't think any police station would currently be able to effectively facilitate the immediate acquisition of thousands of firearms due to a Dealer Licence revocation. I also know through interactions with our local police officers that it would not be in the interest of public safety and general police operations, for Firearm Dealerships to start closing down due to the possible financial impacts of these changes.”

This bill lacks any form of meaningful consultation and must be amended taking serious concerns of stakeholders into account and in no way be passed into law in its current form.

I look forward to discussing this further at the Public Hearing scheduled for Friday 24th May.

Yours faithfully,

