

Queensland Community Safety Bill 2024

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The Committee Secretary
Queensland Community Safety and Legal Affairs Committee
Parliament House
George Street
BRISBANE QLD 4001

By Email: cslac@parliament.qld.gov.au

Dear Committee Secretary,

RE: QUEENSLAND COMMUNITY SAFETY BILL 2024

AgForce Queensland Farmers Limited (AgForce) is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$10.4 billion in on-farm value of production in 2021-22. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,500 farmers, individuals and businesses provide support to AgForce through membership. Our members own and manage around 55 million hectares, or a third of the state's land area. Queensland 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 thanks the Committee for the opportunity to lodge a submission on the proposed Community Safety Bill 2024.

The significant size of the Bill in itself, and the considerable amendments proposed to numerous pieces of existing legislation, however, raises valid concern that the time allowed for proper consultation by the Government, for stakeholders to obtain a thorough understanding of each aspect, is lacking and disrespectful to those stakeholders the Government seeks to engage.

While AgForce supports measures that enhance community safety, AgForce has considerable concern with how this Bill has been presented, recommending that further time be allowed for adequate consultation with the general public.

AgForce is committed to evidence-based policy, that is, public policy informed by objective evidence. The opinion of AgForce is that the Explanatory Notes lacks credible data and evidence, thus failing to adequately demonstrate the need for many parts of the proposed Bill. Indeed, there are no statistics to indicate that there is any risk to public safety from the holders of legitimate firearms licences.

ADVANCING SUSTAINABLE AGRIBUSINESS

This legislation will not address the underlying drivers of crime which would be best served by investment, and expansion of early intervention initiatives, diversionary options, restorative justice and rehabilitation programs.

Given the limited time offered to review and understand each part of the Bill, AgForce's focus has been placed on sections related to weapons, those being, amendments to the *Explosives Act 1999* and *Weapons Act 1990*.

AgForce considers that the complex changes to the *Weapons Act 1990* as proposed in the Bill will require more work for Queensland Police Service's Weapons Licensing Branch (WLB) to administer, whilst also ensuring WLB continues to meet existing evaluation processes on firearm licenses, including character checks of firearm licence applicants.

It is well known that WLB are often under-resourced, where an allocation of a temporary work force was implemented in 2022-23. It is understood that WLB staff increases will be reduced in June of this year.

WLB's work force allocation needs an extension of these critical staff in order to keep WLB operating at the current standard, and most importantly, an immediate increase in the permanent staff area will be required should the Government pass the Bill as proposed.

Adequate staff resourcing within WLB will be crucial to ensure the continued accurate registration of firearms, implementation of new legislation, and ensuring the required output to help develop the new National Firearms Register with accurate information.

The funding required to administer the proposed changes has not been mentioned.

Explosives Act 1999

Clause 42 Insertion of new s43A (Requirement to check licence or authority before selling small arms ammunition)

The legislation will require that a firearm dealer or supplier of ammunition must sight a customer's firearm licence and complete a check of the online verification system.

What is the point of having a licence if further verification is required?

In respect to primary producers, many purchase ammunition supplies on a Saturday morning, when they venture into their local town or regional centre. Advice from the Firearm Dealers Network is that Queensland Police often pull the existing server off-line for maintenance on a Saturday morning, meaning that the primary producer will not be able to access their ammunition requirements.

Similarly, rural and regional areas often experience internet service connections due to outages or failure. During these times, a Dealer/Retailer will be unable to sell ammunition until internet connection is restored.

The above-mentioned scenarios will lead to poorer customer service levels for those firearm licence holders that have a distinct purpose to access and use firearms, that is, those who carry out agribusiness occupations, therefore leading to increased frustrations of the Government's system, to both the customer and the Retailer.

This amendment also applies to interstate customers as well, yet the technology for licence checking online is not available for all states. How is a Queensland ammunition retailer to sell ammunition to an interstate visitor?

Weapons Act 1990

Clause 40 Amendment of s51 (Possession of a knife in a public place or a school)

The Bill notes that prohibited items must not be carried in a public place in such a manner as to be seen.

Many people carry pocket knives in a pouch on a belt. This is particularly so for those engaged in the business of primary production. A pocket knife is a tool-of-trade in agriculture, with far reaching applications for their use.

The definition of a public place is so broad that it includes just about everywhere except a private dwelling. Consideration is required as to how this legislation may unintentionally affect the farming community.

Clause 73 - Insertion of new pt 5A (Firearm Prohibition Orders (FPO))

AgForce holds a number of reservations regarding the proposed FPO legislative framework.

AgForce is concerned that the proposed FPO framework will limit individual rights, in particular, the rights of law-abiding individuals.

Care must be taken to eliminate the possibility of, and effects of, FPOs having unintended consequences. Examples include impacts on an individual's future employment in fields exposed to firearms, such as agriculture. AgForce is concerned that familial or community relationship to the subject of an FPO will negatively impact law-abiding firearm licence holders in the agricultural industry, those occupations where a firearm is necessary to undertake day-to-day rural operations in caring for the welfare of livestock, both in terms of euthanising distressed livestock and protecting livestock from fear of predation by wild animals.

AgForce is concerned with the potential that agribusiness owners involved in the business of primary production may inadvertently and unknowingly engage the services of an employee who is the subject of an FPO. In this instance, the Bill obligates the business owner to remove all firearms and ammunition from the business' property(ies) because of the employee's FPO.

How will any agribusiness owner become aware that a person, a potential employee, is the subject of an FPO? As per clause 141Z (*refer below*), agribusiness owners could find themselves in contradiction to the Bill, thus finding themselves breaking the law and subject to the offences proposed.

141Z Supply of firearms and firearm related items

A person must not supply a firearm or firearm related item to an individual subject to a firearm prohibition order if the person knows the individual is subject to the order.

Maximum penalty—

(a) for a firearm—500 penalty units or 13 years imprisonment; or

(b) for a firearm related item—200 penalty units or 5 years imprisonment.

The potential penalties (13 years) for this situation are clearly excessive. AgForce is not aware of any other situation where a person is unknowingly the victim of an illegal act committed by another person and is potentially punished.

Whilst AgForce understands that it may be necessary in an emergency to get a FPO from police, rather than awaiting a court decision, the police decision should be reviewed by a court as soon as possible. However, AgForce is of the opinion that where the issue of an FPO would have the immediate result of directly impacting an individual's or a business' ability to carry on a livelihood occupation, the initial issuing of an FPO should only be done by the Court.

With respect to exclusion periods, AgForce considers that the 10-year exclusion period may have unintended consequences and disproportionately impact individuals. For instance, where a weapons licence is required for a person's employment (i.e. agriculture, police service, security officer etc.) the exclusion period aspects of the proposed scheme may have ramifications that are entirely disproportionate to the nature of the offence, that resulted in the issuing of a FPO.

While the Explanatory Notes suggest setting up an FPO regulatory framework will replicate those in other States, the Notes are completely silent in respect of the criticism of misuse that has been raised as a concern by oversight bodies in Victoria and New South Wales. A Review¹ by the Victorian government suggests that very few firearms have been detected during the warrantless searches authorised by FPOs; and that similar powers interstate have been abused.

In summary, the proposed legislation's wide-ranging amendments are likely to result in severe unintended consequences, penalising innocent individuals and obstructing community involvement in crime reporting and resolution. It is crucial to reassess these provisions to ensure they are fair, practical, and effective in enhancing public safety without infringing on individual rights.

AgForce recommends that further consultation, including analysis of all available data, is required to justify the proposed FPO framework. In particular, that any FPO framework clearly captures the objective of the Bill by appropriately targeting those individual(s) who demonstrate a high risk of criminal use of firearms.

Should you require further information, please do not hesitate to contact General Manager - Policy and Advocacy Michael Allpass [REDACTED]

Sincerely,

[REDACTED]
Ms. Georgie Somerset
General President, AgForce Queensland Farmers

¹ [Inquiry into Firearms Prohibition Legislation](#), Victorian Government Committee (Pg. 49)