

## Queensland Community Safety Bill 2024

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# Queensland Police Union of Employees



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The Secretariat  
Community Safety and Legal Affairs Committee  
Parliament House  
George Street  
BRISBANE 4000

## Re: Queensland Community Safety Bill 2024

Dear Secretariat

I write to the Committee in relation to the *Queensland Community Safety Bill 2024* (the Bill) and provide the following submission on behalf of the Queensland Police Union (QPU). The QPU represents over 12,500 police officers, special constables, civilian watchhouse officers, police liaison officers, band members and chaplains across the State of Queensland.

The QPU welcomes the opportunity to comment on the Bill before the committee, there are a number of proposals in the legislation and our submission will provide comment. It must be clearly and emphatically stated that there is no excuse for violence against first responders, police officers, ambulance officers and fire fighters who work tirelessly to support our community. The changes in this legislation to protect our first responders are essential. The QPU is gravely concerned with the increased violence in our community and is gravely concerned about the risk that this violence is presenting to other facets of our community. Schools, hospitals and workplaces, like homes, must be free from violence and the parliament has a role in proactively managing this issue.

The legislation's commitment to tackling illegal firearms, the misuse of firearms and ammunition are welcomed by the QPU. There must be a clear understanding at law about the severity of gun violence and the need for proactive steps to manage firearms and ammunition. The horrors of Wieambilla are still fresh in the minds of the police family, whilst we cannot be sure that stronger laws to tackle illegal firearms would have prevented that tragedy we hope that action now can prevent future tragedies. Similar to the QPU's concerns around guns we welcome the sensible reforms to tackle knives in our community. Knives are devastating weapons which mutilate, disfigure and tragically kill their victims. There is no reason anyone should need to carry a knife in a public space and these reforms protect our community from knife violence.

### **Amendments to the *Children's Court Act 1992***

The Amendments to section 20 of the *Children's Court Act 1992* are welcomed by the QPU. There is a clear need for the rights of victims and their families to be better reflected in the youth justice sector. The QPU recognises that the scope of this kind of methodology has resulted in victim impact statements and the opportunity for youth offenders to hear how the crimes that they have committed have impacted on the people who the crimes harmed. The changes to ensure a victim, a relative of a deceased victim, a victim's representative, an accredited media entity and a person who, in the court's opinion, has a proper interest in the proceeding can be present during Childrens Court criminal proceedings where a matter is not heard on indictment is a positive step. The QPU supports this sensible proposal because the construction of section 20 gives the court the discretion to exclude any of the aforementioned party from the proceedings. The Courts must balance the rights of victims and the community

and the rights of youth offenders better than they have. These sensible reforms go a way to giving the community confidence in the process by having capability for more engagement with proceedings.

The QPU recognises that youth offenders have often been characterised as the overarching 'victim' in the narrative of a criminal proceeding and believes that this reform will go a way to addressing that misconception and shed more clarity on the hard work the police and prosecutors do to enforce the law and hold youth offenders to account. Frustrations in the system must be better directed at the parts of the system that are reluctant to use the laws to keep our community safe. The safeguards in section 20 strike the right balance and the QPU welcomes the proposed reform. Hopefully these reforms will give the community insight into the thousands of police hours that go into taking a matter to trial and the effort police make to defend the rights of victims and the community terrorised by youth offending.

### **Amendments to *Police Powers and Responsibilities Act 2000 (PPRA)* – Jack's Law**

The QPU is extremely supportive of the amendments to chapter 2, Part 3A of the *PPRA* to expand the existing Jack's Law framework to additional venues and areas. This is the right call as it includes shopping centres, retail premises, sporting and entertainment venues, licensed premises, Queensland Rail trainlines including the Gold Coast Light Rail, locations where people should be safe from knife violence. The horrific murder of Vyleen White demonstrates the need for strong laws and powers for police to manage the risk of knives in our community. The QPU has always supported the proposal to use hand held wand devices to manage knives in our community and welcomes the new powers that the bill will give police to manage the scourge of knife violence.

The proposed amendments have rightly delegated power to a senior police officer to ensure that wand in licensed venues occurs in a regulated framework that manages risk against the rights of venues to conduct trade. This balance is also struck for retail premises to ensure appropriate safeguards for the use of this protective equipment. The community has to understand that there is never a good reason to take a knife to a public place, to the shops or down to the pub. The risk knives present to the safety of first responders and the community justify the legislation currently before the committee.

### **Firearm Prohibition Order Scheme in Queensland**

The QPU strongly supports the introduction of a Firearm Prohibition Order (FPO) scheme in Queensland. We would urge the committee to feel the urgency to go to the absolute limit of the law to protect frontline police from unlawful use of firearms in our community. The QPU and our members in the Queensland Police Service (QPS) are still grappling with the tragic loss of Constable Matthew Arnold and Constable Rachel McCrow at the hands of deranged gun owners. Tragically the firearms and ammunition that were used to take Matt and Rachel from use were purchased legally. There will be a lot of hysteria around the FPO but the QPU recognises that lawful gun owners have nothing to fear. Police must have the power to conduct appropriate searches and limit the ability for those most at risk from committing harm from getting access to a firearm.

The QPU is satisfied that the learnings from other states' FPO schemes have informed the development of a best practice Queensland system. There must be an appropriate balance between preserving the rights of the individual and protecting the community from high risk individuals. Police know first hand the impact that failing to strike this balance has on the lives of our families, friends and colleagues. The original 60 days for an order to be in effect is a common-sense approach to providing immediate safety. The Police Commissioner is best placed to have the delegated authority to make these orders. The QPU supports the proposal

in the legislation to give temporary effect to an existing order when a further FPO is filled in the court prior to the expiration of an existing order.

The QPU recognises that the court has an extremely important role to play in ensuring the efficiency of this system. The QPU is supportive of a court ordered FPO remaining in effect for ten years for an adult and 5 years for a child. A statutory maximum of ten years meets with the community's expectations for the seriousness of offences involving firearms. The safeguards in the legislation relating to children subject to a FPO are consistent with acceptable standards. Serious offending with a firearm is at odds with the community's expectations and it is appropriate for a FPO on a child to be reviewed annually to ensure the applicability of the order. The QPU is aware that there are concerns from existing firearms owners about the severity of this scheme, we do not share these concerns and would be supportive of any measures to further strengthen this legislation. The reality for police on the frontline is that firearms present an extreme and unnecessary threat to safety and to life. Any actions by Government to manage firearms appropriately are supported by the QPU. We are talking about a living breathing system administered by the police to promote community safety. Police in regional and remote communities already work constructively with licensed firearms owners in their community, this system will not disrupt those relationships. Passionate firearms owners must not fall into the trap of standing with extremists who wish harm upon police and society.

The QPU recognises the extensive list present in the legislation to manage the public interest that FPO are made against. The scope of public interest is necessarily broad and grants police the power to manage the behaviour of people associated with organised crime. The FPO scheme expands the ability of police to manage the risk of high-risk individuals and to put in place orders that can limit criminal behaviour. The QPU recognises that serious criminals ignore legislation to commit their crimes, however the creation of schemes like the FPO give police proactive powers to curb behaviour and further punish wrong doers. The most important thing police can do is take deadly weapons out of the hands of individuals who will use them to harm themselves, those close to them or the community. Similarly, the QPU recognises the legislative scope around establishing the public interest for children who are subject to a FPO. The safeguards around children who are named in an order are appropriately limiting.

The QPU is extremely supportive of the provisions in the bill to give police alternative service provisions for a FPO. As the explanatory memorandum rightly notes some offenders will evade police and service on these individuals who are difficult to interact with requires these reforms. The QPU supports the direction powers and the scope that they will give police in appropriately enforcing and using the FPO scheme to support community safety. Penalties attached to non-compliance with directions are a necessary deterrence to ensure compliance. The QPU has reviewed the legislative safeguards in the legislation and we are supportive of the approach. Ultimately, we are talking about individuals who have been identified through intel and experience of being a risk of possessing and using a firearm, it is essential that police have powers to compel compliance from these individuals.

The QPU supports the provisions in the bill that requires an individual subject to a FPO to immediately surrender any firearm or firearms related item to the police service, including their license or authority relating to firearms. This mechanism is given enforcement provisions by granting police the power to conduct a search without a warrant on named individuals which includes vehicles connected with the individual. This power is, in the opinion of the QPU, necessary to ensure that all firearms and related paraphernalia can be seized by police, including illicit firearms that could be contained on properties or vehicles attached the individual.

The penalties proposed for breach of FPO are completely reasonable and meet the expectations of the QPU and the community. People who are obsessed with firearms must be

managed and their unhealthy obsession heavily regulated. The QPU supports the proposed defence to the offence. Firearms are tools used by a primary producers and farmers in their jobs, they are instruments of sport shooters and provide a social outlet for many, however they should not be seen as sacred or something that individuals require. Our society is safe and free, the regulation of firearms in Australia is sensible and supported by all sides of politics. FPO will give police the power to control the behaviour of high-risk individuals and promote community safety.

The provisions around prohibiting another person from knowingly supplying a firearm or firearm related object to an individual subject to a FPO are supported by the QPU. The QPU notes that these provisions must be practical and common sense in their application. If a primary producer or a farmer has an employee who works on their property subject to a FPO it would not be reasonable for the employer to be punished by the omission of an employee. This system must be designed to place the burden on the individual who is subject to a FPO. The QPU would hope that the scheme has enough capacity that the reckless practices of high-risk individuals does not negatively impact employers. Although the QPU accepts that weapons must be appropriately stored and their use accounted for appropriately.

### **New verification process for purchasing small arms ammunition**

The QPU completely supports the introduction of a new section 43A of the *Explosives Act*, there should never be a scenario where someone can purchase ammunition for a firearm they are not licensed for. Police must be able to know when interacting with firearms holders what types of ammunition they should expect to encounter. Ammunition is a part of the problem around firearms that has caused so much concern in the community. If someone wants to shoot a weapon with a friend that they are not licensed for they should not be able to acquire that ammunition. We are not talking about buying beers to drink with your friends we are talking about projectiles which can maim and kill. This is a common sense approach that the QPU supports. In fact, our wish would be for the packing of ammunition to be better regulated by the Government to ensure as much intelligence is available to police around ammunition sales and firearms possession.

### **Implementation of Queensland Audit Office Report – *Regulating firearms (Report 8: 2020-21)* Recommendations**

The changes to the 'fit and proper person' test in sections 10B and 10C are supported by the QPU. It is extremely important to the safety of the community and police that police and weapons licensing branch have the ability to make decisions around issuing, renewing, suspending or revoking weapons licenses. The improvements in the legislation give more clear guidelines for decision makers and license holders. The expansion of an exclusion period up to 10 years is a sensible step in the right direction. Offenders who commit the most serious offences must have limitations placed on their ability to obtain or hold a weapons license. Access to these licenses is a privilege in our society and people who disrupt the social contract must face consequences for their behaviour, when it comes to firearms access. The QPU is broadly supportive of the new category of disqualified persons who are deemed to never be fit and proper and therefore are ineligible to hold a license or being a licensed dealer's associate.

### **Increasing the maximum penalty for possessing a knife in a public place or school**

The tragic increase in knife crime that we are seeing across Australia and abroad is of huge concern to the QPU. We are very supportive of increasing the penalty for possessing a knife in a public place or a school. Knives are incredibly dangerous and present an extreme threat to life. Victims of knife crimes are often left severely disfigured and traumatised and legislation must meet the expectations of the community. The QPU fundamentally believes that the

community does not support knife violence and that these proposals are consistent with community expectations.

### **Removal of criminal online content and advertising offences**

The recent trend of criminals sharing their unlawful activity on social media is very concerning to the QPU. We have seen instances where dangerous and reckless behaviour that endangers the lives of our members has been circulated online and attained high views. Such behaviour is completely at odds with the values that our community hold and are unacceptable. Once this information is uploaded it is difficult to wind it back and victims of serious offending can be retraumatised by these images circulating on the internet for years to come. Our members are victims of serious crime who can be caught up in a cycle of retraumatising brought on by this behaviour, this is completely unacceptable. These reforms give power to authorised officers to require an online provider to remove material depicting unlawful content from their services and creates an offence for publishing this material.

The introduction of new offences and circumstances of aggravation and increase maximum penalties for existing offences is necessary in this instance. The QPU recognises that the balance between the human rights of offenders and the community's right to feel safe and to see serious offenders punished is a fine balance. These proposed amendments strike that balance and give courts increased powers to strengthen penalties against offenders depending on the seriousness of their offending. What we know is that increasingly the most serious and violent offences are being committed by a core group of serious offenders, tragically this offending is increasingly more violent or extreme. These changes to the Criminal Code and the Summary Offences act arm our judiciary with the tools to consider the seriousness of offending and respond accordingly. The responsibility for expressing the community's disappointment and desire for justice must now rightly fall on the shoulders of the judiciary. The QPU hopes that our judicial officers use these new powers to appropriately punish the most serious offending. The QPU recognises that existing guidelines in legislation will continue to guide judges on their decision making but this reform will strengthen the penalties and sentences that judges can hand down.

### **Cracking down on serious vehicle offending**

There is no excuse for vehicular violence in our community, cars can be deadly weapons and cause irreparable harm to people who are victims of violence committed with them. The Bill increases the maximum penalty for dangerous operation of a vehicle where it causes the death of or grievous bodily harm to another person and is supported by the QPU. Such behaviour is abhorrent and needs to be managed effectively for community safety. The Bill also inserts a new circumstance of aggravation for dangerous operation of a vehicle where the offender was evading police and causes the death of or grievous bodily harm to another person. This is especially necessary as when innocent lives are lost by people behaving unlawfully and attempting to evade police a huge amount of devastation occurs. The lives of perpetrators, victims, victims' families, friends and community are completely changed by such actions and severe penalties are necessary.

### **Keeping emergency workers safe.**

The violence that is committed against police in Queensland is extremely alarming and is resulting in medical incidents for our police much earlier in their careers. The QPU joins with all first responders and emergency services workers and unions to condemn the violence that is being committed against them. First responders should be safe at work and are often arriving in scenarios where their involvement is a matter of life or death for the people they are there to support. Any violent behaviour that jeopardises this work is completely unacceptable.

### *Ramming emergency vehicles*

The creation of a new offence of damage to an emergency vehicle when operating a motor vehicle is a step in the right direction. Ramming police vehicles and other first responder vehicles can have devastating impacts to the health and safety of first responders. The QPU is extremely supportive of punishments for this kind of behaviour. Vehicles are dangerous and can cause a severe injuries or death. This practice has to end and these laws will give police the power to arrest perpetrators and charge them for this behaviour.

### *Endangering police officers*

Every day in Queensland police across the state enter into violence and serious situations to restore peace and protect vulnerable people. The QPU recognises that some people in these situations are not receptive of police being involved, the reality is that police have obligations under the law to fulfil their duties. The community expects police to fulfil their end of the deal when people who are interacting with police attempt to harm them in the course of their duty's punishment is appropriate. The QPU is extremely supportive of this new offence when people are stopped by police or see police on the side of the road they are not able to use their vehicle to cause harm to police. We strongly support this new offence.

## **Protecting Emergency Vehicles**

### *Wilful damage of an emergency vehicles*

Wilfully damaging emergency vehicles is an extremely serious concern to the QPU. People who throw rocks at police vehicles can cause harm to the occupants of the vehicle and others if the driver of the vehicle swerves. This behaviour is wrong and the proposal to increase the maximum penalty for wilful damage where the property is an emergency vehicle is supported.

### *Entering or taking an emergency services vehicle*

There are very clear guidelines for those who operate emergency vehicles and the means in which they can use lights and sirens. These signals are interpreted by members of the public and trigger responses from the public. Anyone who takes an emergency services vehicle and uses it illegally potentially puts the community at risk, people expect certain behaviour from emergency services vehicles and people can get hurt by rogue operatives of these vehicles. The QPU supports the proposed increase to maximum penalties associated with this behaviour.

## **Amendments to the Domestic and Family Violence Protection Act 2012 (DFVPA)**

The QPU supports the clarifications that this bill provides to the *DFVPA*, ensuring that legislation supports the vital work police do responding to Domestic and Family Violence (DFV) is essential. Expanding the definition of a family relationship and relatives recognises the nature of many modern families. Section 100 of the *DFVPA* places clear obligations on police to conduct investigations into DFV. The proposed amendment inserts a new subsection 7 which gives police the latitude to conduct investigations to support potential victims and ensure that other legislation that can support children and young people can be enlivened. The QPU is supportive to the changes to police protection notices and the powers of the appellate court. These reforms are sensible and designed to support the work that police do with this very difficult issue.

## **Amendments to the Corrective Services Act 2006**

The QPU has been calling for streamlining around the service of documents to prisoners over a number of years. This reform is common sense and will ensure that police can rely on the services of Queensland Corrective Services Officers to serve documents to people in their custody. Sensibly the reforms still retain the ability for police officers to serve documents on prisoners are required. It is simply incredible that these reforms have not already occurred. The QPU welcomes these reforms and the police hours that will come back to the QPS to be deployed in supporting victim-survivors and in managing crime and offending.

### **Modernising document authentication and service requirements**

The QPU welcomes the electronic service of documents and the ability for police to electronically sign documents. The QPU recognises that this change will reverse the onus back onto the recipient of the documents to prove that they did not receive the document that was sent to them. Whilst we can recognise the concerns raised around this change the reality is that a large number of police hours are currently taken up by the electronic service of documents. These reforms recognise the changes in society and the uptake of digital participation and literacy in the community. These reforms will give Police a key ability to be able to engage with offenders directly and prevents offenders avoiding police as a means of frustrating proceedings. If a member of the community can sign their mortgage documents electronically then it is reasonable for police to be able to sign and serve documents in such a manner. The safeguards in the legislation are supported by the QPU. The use of body worn footage to allow for electronic service on the subject person is sensible. Police are more than capable of determining if a person consents to electronic service and the ability for hard copy service continues. The safeguard around validation of details will ensure that people's unique electronic addresses is a good step and is supported. These reforms will create police efficiencies and meet with the expectations of digitally literate citizens.

### **Compensation payments**

The QPU supports the ability for the minister to delegate their powers around compensation to the Commissioner.

### **Harmonising statutory timeframes**

The need for clear reporting and accountability is fundamental to the successful administration of an open and accountable public service. The proposal in the bill to harmonise the statutory reporting timeframes across the QPS is supported by the QPU. This process will ease the administrative pressures that can detract from the work the agency needs to do to service the needs of frontline policing.

### **Hooning and low-range drink-driving amendments**

#### *Summary Offences Act 2005*

The proposal to capture the practice of sharing, supporting, promoting or encouraging hooning behaviour is a necessary response to the rise of hooning in the community. The QPU recognises that a culture has arisen in online communities and forums to celebrate hooning behaviour. This kind of online support has encouraged further offending, in the view of the QPU and these reforms are necessary to further police these behaviours and crack down on the alarming growth in hooning in Queensland.



## *Transport Operations (Road Use Management) Act 1995 (TORUM)*

The QPU is concerned by the road toll over the last few years and is supportive of the proposal to make amendments to the *TORUM* Act. The proposed amendments increase the penalties associated with certain offences, these increase penalties are consistent with the need for safety. The QPU is compelled by the argument that matters taken to court act as a deterrent for unsafe driving practices, using this evidence to advance amendments to the legislation is a step in the right direction. The QPU supports the administrative disqualification provisions that relate to the licenses of offenders. The Court still retains the appropriate oversight of these matters and parties subject to these decisions can still take matters before a court for their consideration. These proposals are supported by the QPU.

### **Rewording of youth justice principle 18**

The QPU is very supportive of this sensible approach. The Judiciary must now be on notice to get on with the job of locking up recidivist youth offenders who are committing increasingly violent and dangerous crimes in our community. Police have time and time again brought matters before the court designed to imprison the most serious offenders only to have magistrates make different decisions. This reframing on this vital issue should remove the legal loop hole that has allowed magistrates to keep these offenders in our community.

### **Expansion of electronic monitoring (EM) trial**

The QPU has long called for EM of youth offenders in Queensland, at every turn we have supported expansions of the trial to use this device to manage serious youth offenders. This proposal is inline with our expectations of this useful tool. As the explanatory memorandum notes the Queensland model is well designed and we must see our judicial officers giving more participants to the trial to be able to give the evidence base to support this technology. This technology needs to be explored and developed in conjunction with the QPS, courts and other interested stakeholders to confirm its long term viability and strike the right balance to correct offending and promote community safety.

### **Clarification of the bail decision-making process**

The QPU supports the clarification of section 52A of the *Youth Justice Act*. This proposal should clear the way for bail conditions to be imposed on youth offenders which meet with the community's expectations and can meet the needs of police enforcing bail. This clarification to the courts is a welcome change.

### **Streamlining processes for the transfer of detainees over the age of 18 years to adult custody**

These changes are sensible and should hopefully provide clarification to the courts about the expectations of the community on these matters. These changes will ensure that our most serious youth offenders can be transferred from youth detention into adult custody in a manner that is more streamlined and protects the safety and wellbeing of the community.

### **Enabling temporary transfers from watchhouses to youth detention centres to facilitate participation in programs and physical exercise at youth detention centres**

The QPU joins with many other stakeholders to express concerns about the flow on of youth offenders into the custody of police. Police accept that these youth offenders must be detained and that watch house facilities are part of a solution to ensure that serious youth offenders are not on the streets. It is clear however that these watchhouse facilities are not fitted out like a youth detention centre is for the custody of youth offenders. The QPU understands the

intention behind this proposal and supports these reforms to allow for youth offenders to be transferred to youth detention centres from watchhouse facilities for the purposes of participating in programs and physical exercise. The QPU cautions that this process will require significant investment from the Government to facilitate the transfer of offenders between facilities and to ensure that youth detention centres have an appropriate number of guards and other staff to monitor and guard these youth offenders.

### **Regulating the use of cameras and smart phones in youth detention centres**

The QPU supports these reforms to ensure that the safety of victims is managed and that the possibility of further offending is better regulated in youth detention centres. As the use of telephone technology changes legislation must change to manage illegal behaviour and prevent offending.


### **Women's Safety Justice Taskforce amendments**

The QPU has read the proposed amendments and is supportive of the amendments as they relate to recommendations 87, 143 and 149. The QPU has the following comments relating to the proposal to accommodate the issues raised in recommendation 149. The QPU recognises that how we manage the needs of youth offenders, including women and girls when it comes to admissions of guilt and participation in programs is a barrier. The proposal to provide clarity around participation in programs not being an admission of guilt and is in fact targeted at managing behaviours must be further enhanced across the criminal justice system. There is a clear need for consideration to be made about how these sorts of approaches can be used to better manage DFV. The value of changing the mindset of potential offenders cannot be understated and the QPU recognises that such programs would go a way to relieving pressures on frontline policing.

The Community Safety Bill examines and corrects a number of matters across many pieces of legislation. The QPU is supportive of the effort that has gone into the development of this legislation and is hopeful to see successful outcomes from the passage of this legislation. The burden now must fall on the courts to following the principles in this legislation to better assist policing in managing youth offending in Queensland.

I am available on [REDACTED] should you wish to discuss these matters further.

Yours Faithfully



**IAN LEAVERS APM**  
**GENERAL PRESIDENT**