

## Submission No. 244 - Form B or variation of Form B

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**From:** [REDACTED]  
**Sent:** Thursday, 16 May 2024 4:48 AM  
**To:** Community Safety and Legal Affairs Committee  
**Subject:** Queensland Community Safety Bill 2024

Good Day,

Further to my previous email I would like to note concerns about four particular parts of the Bill as shared by the Queensland Shooters Union. With this in mind, proper consideration and consultation needs to be afforded to citizens and groups within the state who have concerns on the "General" terms mentioned in the changes to the possession, use and association with firearms.

Please see our concerns below:

### DOUBLING OF LICENCE APPLICATION DISQUALIFICATION PERIOD

Under Division 2, Clause 56, the period disqualifying people with certain criminal convictions from applying for a licence is extended from 5 years to 10 years. Our concern with this element is that there is no grandfathering in of people who, under the current legislation have served their time and the current disqualification period then successfully obtained a licence after demonstrating their reform.

For example, a person who was convicted of a disqualifying offence six years ago, and subsequently successfully applied for a gun licence which they have held for two years, would find themselves stripped of their licence and guns under this Bill despite having been deemed a Fit and Proper Person under the current Legislation.

### LICENCE DISQUALIFICATION PERIOD APPLIES EVEN FOR WITHDRAWN OR QUASHED DVOs

Under Division 2, Clause 58 (5)(b), someone is considered not to be a fit and proper person to have a gun licence if, within the last 5 years, "a domestic violence order, other than a temporary protection order, has been made against the person."

The fact the DVO was made in the first place is the disqualifying factor, and there is no provision for this to be disregarded if the DVO is subsequently withdrawn or quashed. Given the potential for DVOs to be weaponised by abusive or manipulative partners, this clause could inadvertently make a licensed gun owner who is a victim of domestic abuse or manipulation doubly victimised by giving the abusive/manipulative person another weapon to attack the shooter with – "Do what I want or I'll tell the police you abuse me and you'll lose your guns for years just on my say-so."

### FIREARM PROHIBITION ORDERS

While the intent of FPOs is clearly to stop obvious criminals from having access to guns (which they aren't supposed to now, so making it double illegal isn't likely to change that), the criteria under which an FPO can be granted is worryingly broad and could easily capture licensed firearm owners or other people who have the misfortune to be related to that person – and being "an associate of a recognised offender" is highly likely to create "Fit and proper person" issues for a firearms licence-holder or applicant, too.

S141E (2)(d) lists one of the criteria for potentially being eligible for a FPO as being “whether the individual is an associate of a recognised offender” S141E (4) states that someone is consider an associate of a recognised offender if that person

(a) has a romantic or familial relationship with the offender; or (b) associates with the offender in a way that involves seeking out or accepting the offender’s company, whether the association happens in person or in another way, including, for example, electronically. We understand this to mean that police could apply for Firearm Prohibition Orders against the spouse, children, or parents (among others) of an offender merely because of who they are related to, and not because they have done anything wrong themselves.

Another interpretation is this could go so far as to include the co-workers of someone subject to an FPO – after all, they do “accept” the person’s company, even if it’s because they have to since they work at the same place. There’s more – S141(2) (e) says another matter for considering the issue of an FPO is “whether the individual has communicated in a public forum, or to another person, that the individual intends or wishes to commit a serious offence; Examples of public forums— social media sites, online forum.”

A concerning interpretation of this section is that a licensed firearm owner could find themselves liable for an FPO because of someone they converse with on social media in a discussion group – but have not discussed anything criminal with – has an FPO. Or worse – that a licensed firearms owner could find themselves potentially subject to an FPO because someone “felt threatened” by the licensed shooters’ hunting pictures (showing them with a rifle) on social media or didn’t like a satirical or sarcastic comment and interpreted it as a threat, or even took a joke comment about (for example) robbing a bank to pay bills seriously.

And as the cherry on top, S141(2)(d) says that when considering a FPO, they can also take into account “the individual’s behaviour, particularly violent or aggressive behaviour or behaviour involving the use of a weapon”. There are countless ways this could be used against a firearms owner, especially one who disagrees with popular opinions on any one of a number of subjects.

#### REMOVAL OF SOCIAL MEDIA CONTENT

S745D allows for a police officer to order an online content provider to take down content which depicts a number of (mostly illegal) activities – but is broadly worded, and includes “an offence involving a weapon” which the police officer believes was posted for “increasing the person’s reputation, or another person’s reputation, because of their involvement in the unlawful conduct.”

This applies outside Queensland, too – the material just has to be posted on the online service “by a person who was in Queensland or ordinarily resident in Queensland”. One possible interpretation of this is that a shooter who visits a foreign country and legally goes hunting with a semi-automatic centrefire rifle, then posts photos of their successful hunt (including with the rifle), could be forced to take those pictures off social media on the grounds that the person is posting images of something that’s an offence in Queensland (taking a Category D Firearm hunting) in a way that increases their reputation because they are doing something overseas they cannot legally do here.

Division 2, Clause 12 of the Bill introduces a 3 year imprisonment penalty for Going Armed in Public so as to Cause Fear offence “if the offender publishes material on a social media platform or an online social network to (a) advertise the offender’s involvement in the offence; or (b) advertise the act or omission constituting the offence”.

We believe this could be extremely easily be abused against shooters taking hunting or range photos in certain circumstances.

We understand the intent of these requirements are to stop out of control youth from posting videos of themselves stealing cars and joyriding in them, but believe the laws need to be more narrowly written to ensure they are not used as a broad “Forced removal of anything online the authorities don’t like” law.

#### WARRANTLESS SEARCHES OF PEOPLE OR PLACES RELATED TO FIREARMS PROHIBITION ORDER SUBJECTS

Section 141ZF gives police the power to search, without a warrant, a vehicle owned or being used for travel (even as a passenger) by someone subject to a Firearms Prohibition Order. Critically, the Bill says A police officer may do the

following in relation to the vehicle – (a) stop the vehicle; (b) detain the vehicle and anyone in or on the vehicle; (c) search the vehicle and anything in or on the vehicle for a firearm or firearm related item.

We understand this to mean it would be entirely legal for Police to search the belongings of every single person who happened to be on the same bus or sharing a rideshare vehicle as a person subject to a Firearms Prohibition Order, even if they had never met the FPO subject and were totally unaware of the person’s status.

Section 141ZG gives police the power search premises “owned or occupied by, or in the care or under the control or management of, an individual subject to a firearm prohibition order; or (b) premises at which an individual subject to a firearm prohibition order resides.”

We understand this to mean it would be legal for police to search, at any time, an FPO subject’s home or any rental properties or business premises they happen to own – even if the other people at those places have nothing to do with the FPO subject or their activities. For example, the spouse and children of an FPO subject would have to deal with the police going through their property whenever they felt like it, because of something. Similarly, we believe this could also mean police could search – without a warrant – a property owned by an FPO subject but rented out to someone else (perhaps via a property manager) who does not know the FPO subject at all and has never had any contact with them.

We understand the point of these sections is to prevent someone subject to an FPO from simply giving illegal guns to other people to hide, we believe the Bill is too broad in this regard and does not contain any safeguards to ensure innocent people are not caught up in a police matter due to simply being related to, working with, or in same the transport as an FPO subject. Remember to make sure your submissions are civil, respectful, and stick to the topic – this is an important issue and we need to make our voices heard.

QUEENSLAND

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