QUEENSLAND POLICE SERVICE

Office of the Executive Director
POLICY AND PERFORMANCE DIVISION

Level 7, 200 Roma Street, Brisbane, Queensland, 4000
GPO Box 1440, Brisbane, Queensland, 4001
TELEPHONE: (07) 3364 4831

Our Ref.:
Your Ref.: A1200439

29 January 2024

Mr Chris Whiting MP
Member for Bancroft
Chair
State Development and Regional Industries Committee
sdric@parliament.qld.gov.au

Dear Mr Whiting

I refer to your letter of 23 January 2024, to Commissioner Katarina Carroll, about the State Development and Regional Industries Committee's (the Committee) inquiry into the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 (the Bill).

The Commissioner has asked me to respond to you on her behalf.

I note the Committee has received several late submissions in relation to the Bill and has requested the Queensland Police Service (QPS) provide a written response to issues raised in these additional submissions.

The QPS is pleased to assist the Committee and I have attached a written response to the additional public submissions received on the Bill.

I also note the Committee has requested additional information following the consideration of the QPS response to issues raised in submissions and the public hearing conducted on 22 January 2024. Please note the following responses to the Committee's enquiries:

1. **Committee Query: Definition of "knife"**. Stakeholders requested more information on the definition of knife noting that the Bill defines what is not a dangerous knife – table knife, cheese knife, plastic / wooden knife, whereas s 51 of the *Weapons Act 1990* defines what is a knife. Stakeholders also sought clarity on how various products would be defined. For example, craft scalpels from

Spotlight, wedding cake knife from newsagent, Stanley knife from Bunnings, fishing knife from outdoor stores.

QPS Response: A legal definition of 'knife' is not contained in the Bill and the term retains its ordinary meaning. A craft knife scalpel, cake knife, Stanley knife, and fishing knife would all be a *controlled item* under the new proposed section 19E in the Bill, unless the item was an *exempt knife* (for example because the knife had a rounded or dull edge).

The QPS will develop resource material which will include further guidance regarding what constitutes a 'knife' for the purpose of the new proposed Division 4B in the Bill. This resource material will be made available to retailers. Additionally, the Bill provides the ability to prescribe by regulation items to either be included, or excluded, from the definition of controlled item if further legal clarity is required regarding a particular item.

2. **Committee Query: Supply of knife, not sale**. Section 67 of the *Weapons Act* states that possession / acquisition of a restricted item (knife) is an offence, and s 19G and s 19I of the Bill states sales to a minor is an offence, but what about 'supply' of a weapon to a minor? Is that covered?

QPS Response: Currently section 67 of the *Weapons Act* provides that it is an offence to possess or acquire a restricted item without a reasonable excuse. A *restricted item* is an item prescribed under the *Weapons Categories Regulation 1997* and does not specifically relate to a knife but includes an array of other items such as handcuffs, batons, kung-fu sticks, and a replica of a firearm.

Although a *controlled item* as defined in the new proposed section 19E in the Bill, does include reference to a restricted item at subsection (a)(vi), the extension of this definition only captures restricted items that are 'a replica of a firearm' under the *Weapons Act*. Therefore, the current term *restricted item* in the *Weapons Act* is to be distinguished from the new proposed term, *controlled item* in the Bill, with the latter encompassing knives whilst the former relates to other types of dangerous items.

The new proposed offences at sections 19G and 19I in the Bill, prohibiting the sale of a controlled item (which includes a knife) to a minor, does not affect the general supply of a controlled item. It is acknowledged that there will be a wide variety of circumstances in which it will be appropriate for a person to supply a controlled item (such as a knife) to a minor. For example, an employer would be required to supply a knife to an employee who is an apprentice chef under the age of 18, to enable the employee to appropriately engage in their apprenticeship.

3. **Committee Query: Education and training campaign, including guidance material.** What form will the campaign for the general public take, and what topics will it include (for example, restrictions on sale and ID requirements) as requested by retailers for their employees? What training campaign is planned for retailers? For example, proof of age. What aspects will it include? How will it

be rolled out? What guidance material will be available for retailers, including how will digital records (used to demonstrate proof of age) be managed?

QPS Response: To support the successful implementation of the reforms, the QPS will progress the development of a communication strategy that aligns with the government's existing approach to messaging regarding knife crime. The overarching strategy will include a communication plan, leveraging off existing campaigns such as 'I live my life…without a knife'.

The communication plan will include education materials specifically targeted towards the retail sector as sellers and the general public as consumers. These assets will be designed to drive positive action and compliance with the new proposed offences.

Stakeholders will play a pivotal role in ensuring the successful compliance of these reforms. A cohesive strategy for engaging stakeholders will be developed to facilitate an effective education campaign built on a shared knowledge approach.

The QPS considers the retail sector will be able to capitalise on the education materials within the communication plan to develop appropriate business practices, to ensure compliance with the new Division 4B 'Offences about selling knives and other controlled items' and implement staff training.

4. Committee Query: Can under-18s currently sell restricted items / knives?

QPS Response: The Bill does not amend the current offence at section 67 of the *Weapons Act* which prohibits the possession or acquisition of a *restricted item*, without reasonable excuse. Although it is noted that this offence is directed towards the person coming into possession of the restricted item, rather than the person who may have supplied the restricted item.

The new proposed sections 19G and 19I in the Bill, prohibiting the sale of controlled items (which includes knives) to minors, is directed towards the seller of a controlled item (including an employee). However, the new proposed offences do not limit the ability of a person under the age of 18 from selling a controlled item to another person who is over the age of 18. Therefore, the proposed amendments will have no differential impact on retail workers under the age of 18.

5. Committee Query: Views on concealment of restricted items / knives as an offence (as discussed by the Shopping Council of Australia)?

QPS Response: The QPS continuously reviews all relevant legislation to ensure that it appropriately maintains operational relevance.

In considering this issue further, the QPS encourages all submitters and affected stakeholders to provide further information to the QPS regarding the issue raised, such as the frequency and location of these occurrences, in addition to any associated evidence of an occurrence.

Additionally, it is noted that evidence of a person concealing a knife in a public place or school may result in the person being found liable for committing an offence under section 51 of the *Weapons Act* for unlawful possession of the knife prior to it being discarded.

Should the Committee require any further information, please contact Mr Michael Shears, Director, Team 1, Strategic Policy and Legislation Branch on [redacted] or [redacted].

Yours sincerely

[redacted]

TONY BROWN
EXECUTIVE DIRECTOR
POLICY AND PERFORMANCE DIVISION

Att.

State Development and Regional Industries Committee

Inquiry into the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023

Queensland Police Service (QPS) response to submissions

The following additional submissions were received in relation to the State Development and Regional Industries Committee's inquiry into the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 (the Bill):

6. Queensland Law Society
7. Aboriginal and Torres Strait Islander Legal Service
8. Queensland Indigenous Family Violence Legal Service
9. Woolworths Group

Submitter (No. and name)	Issue(s) Raised	Relevant provision in the Bill	QPS Response
6. Queensland Law Society (QLS)	The QLS proposes that a review into the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (Jack's Law) be conducted to evaluate the effectiveness of the legislation reducing the incidence of knife crime since the introduction of the legislation.	General	As noted in the Explanatory Speech upon the introduction of Jack's Law by the Honourable Mark Ryan MP, in his then capacity of Minister for Police and Corrective Services and Minister for Fire and Emergency Services, the Government will be undertaking a further independent review of Jack's Law.
	There is no conclusive evidence that this type of legislation will be effective in terms of the objective that it is trying to achieve.	General	Whilst the QPS notes this position, the policy position reflected in the Bill is a policy decision of the Government.
	There are currently two offences that already cover knife crime, namely: section 51 (Possession of a knife in a public place or a school) of the *Weapons Act 1990* and 15 (Possession of implement in relation to	General	Whilst the QPS notes this position, the policy position reflected in the Bill is a policy decision of the Government. It is the QPS position that the proposed offences are not duplicative of these existing offences.

Submitter (No. and name)	Issue(s) Raised	Relevant provision in the Bill	QPS Response
	particular offences) of the *Summary Offences Act 2005* (SO Act).		
	The introduction of section 19N (False representation of age) into the SO Act will have a net-widening effect. Escalating penalties further entrench the young person within the youth justice and criminal justice system.	19N (False representation of age) as inserted by Clause 6 of the Bill.	The maximum penalty reflected in the offence provision is a policy decision of the Government. However, it is noted that the maximum penalty for this provision is consistent with that of existing section 158 (False representation of age) of the *Liquor Act 1992*.
	Affected retailers must be afforded adequate time to implement the necessary training and in-store advertising in preparation for the legislative change.	General	The QPS notes this position. Clause 2 of the Bill provides that the amendments in the Bill are to commence on a date to be fixed by proclamation.
7. Aboriginal and Torres Strait Islander Legal Service (ATSILS)	ATSILS is broadly supportive of the Bill, subject to the below comment.	General	The QPS notes this position.
	The proposed maximum penalty for the offence in section 19N (False representation of age) of the SO Act is not appropriate to impose on a child given their limited capacity to pay such a fine. The maximum penalty should be reconsidered.	19N (False representation of age) as inserted by Clause 6 of the Bill.	The maximum penalty reflected in the offence provision is a policy decision of the Government. However, it is noted that the maximum penalty for this provision is consistent with that of existing section 158 (False representation of age) of the *Liquor Act 1992*.
8. Queensland Indigenous Family Violence Legal Service (QIFVLS)	QIFVLS is broadly supportive of the Bill, subject to the below comment.	General	The QPS notes this position.

Submitter (No. and name)	Issue(s) Raised	Relevant provision in the Bill	QPS Response
	Consideration should be given to applying the prohibition on selling a controlled item to a minor to situations that include a *supply* (i.e., outside of a commercial context).	19G (Sale of controlled items to minors) as inserted by Clause 6 of the Bill.	Proposed new section 19G (Sale of controlled items to minors) of the SO Act applies to *the sale* of controlled items to a minor. The definition of *sell* in the SO Act does not extend to *supply* and accordingly, the Bill does not prevent the supply of a controlled item to a minor in a manner that is not captured by the definition of *sell*. The QPS position is that whether the provision should be extended to a *supply* of a knife that does not involve a *sale* is ultimately a policy decision of the Government. It is noted that such a provision may raise a number of policy considerations, such as where a minor may need to be legitimately supplied a knife (for example, in the course of a chef apprenticeship).
9. Woolworths Group Limited	A sufficient transition period will be required to conduct comprehensive training for employees, review product displays and work with manufacturers to enhance packaging.	General	The QPS notes this position. Clause 2 of the Bill provides that the amendments in the Bill are to commence on a date to be fixed by proclamation.
	Section 19H (Commercial sellers must instruct employees about sale of controlled items) of the Bill should allow for the 'written acknowledgement' to be provided electronically using an 'acknowledgement checkbox'.	19H (Commercial sellers must instruct employees about sale of controlled items) as inserted by Clause 6 of the Bill.	Under Schedule 1 'Meaning of commonly used words and expressions' in the *Acts Interpretation Act 1954*, reference to *writing* includes any mode of representing or reproducing words in a visible form. Therefore, the requirement for a commercial seller to obtain written acknowledgement by the employee that the employee received the instructions and warning mentioned in the new

Submitter (No. and name)	Issue(s) Raised	Relevant provision in the Bill	QPS Response
			proposed section 19H(a) and (b) would be met by the commercial seller obtaining electronic acknowledgement.
	The Bill should allow for tamper-proof packaging as a suitable means of securing controlled items, in recognition of the challenges associated with having products in locked cabinets or tethered whilst on display.	19L (Commercial sellers must secure particular controlled items) as inserted by Clause 6 of the Bill.	For the purposes of section 19L (Commercial seller must secure particular controlled items), *securely stored* means: a) Stored in a locked room, cage, cabinet or container; or b) Securely tethered. It is the QPS position that the provision, as drafted, is sufficiently broad to allow for the secure storage of controlled items in a container.