



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr JJ McDonald MP
Mr MJ Hart MP (virtual)
Mr RI Katter MP (virtual)
Mr JE Madden MP
Mr RCJ Skelton MP (virtual)

Staff present:

Ms S Galbraith—Committee Secretary
Mr L Melia—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE SUMMARY OFFENCES (PREVENTION OF KNIFE CRIME) AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Tuesday, 12 December 2023

Brisbane

TUESDAY, 12 DECEMBER 2023

The committee met at 10.20 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today, and pay our respects to elders past and present. We are fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share. With me here today are: Mr Jim McDonald, member for Lockyer and deputy chair; and Jim Madden, member for Ipswich West. Attending via videoconference are: Michael Hart, member for Burleigh; Rob Skelton, member for Nicklin, who is substituting for Tom Smith, member for Bundaberg; and we will later be joined by Robbie Katter, member for Traeger.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee. These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. If we could all turn our mobile phones and our devices to silent mode, that would be great.

HARSLEY, Deputy Commissioner Cameron, Regional Services, Queensland Police Service

MUDRYK, Ms Jessica, Acting Principal Strategy Officer, Strategic Policy and Legislation, Queensland Police Service

SHEARS, Mr Michael, Director, Strategic Policy and Legislation, Queensland Police Service

CHAIR: I welcome representatives from the Queensland Police Service. Would you like to make a short opening statement before we start our questions?

Deputy Commissioner Harsley: Yes, thank you, Chair. My fellow witnesses have an intimate knowledge of the matter before the committee. I would also like to respectfully acknowledge the traditional custodians of the land on which we meet today, the Turrbal and Yagara people, and pay respects to elders past, present and emerging. Thank you for inviting us today and for the opportunity to speak to the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023. The purpose of the bill is to promote community safety; and prevent knife related crime and youth offending. The bill is designed to: reduce the accessibility of knives and other dangerous items to young people; deter violent offending; and curb the notoriety of weapon possession. Any loss of life or serious injury resulting from knife crime is a tragedy and, sadly, there have been a number of recent incidents in which knives and other dangerous items have been used by young offenders to commit criminal acts.

The prevalence of knife crime and youth offending is a serious concern and poses a significant risk to our community throughout Queensland. Overall, knife related crime within the community has increased by 18 per cent since 2019, with 12,865 reported offences in the 2022-23 financial year where a knife was identified as the most serious weapon. However, there has been a greater increase in offences actioned by police against persons under the age of 18 in which a knife has been identified as the most serious weapon involved. In the 2018-19 financial year, 1,784 offences were reported involving minors using knives in the commission of criminal acts. This has increased to 2,177 reported offences in the 2022-23 financial year, resulting in a 22 per cent increase over the past five years. Whilst in some years there has been a decrease in these figures, overall the number of offences perpetrated by young offenders involving a knife is rising.

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The Queensland Police Service is particularly concerned that knives are predominantly used in the commission of violent offences such as assault, robbery and other offences against the person. It only takes one poor decision, one moment, to end a life and change the lives of countless others. The Queensland Police Service has also identified that a large number of knives and other weapons are being possessed in public places without reasonable excuse. Earlier this year, the Police Powers and Responsibilities (Jack's Law) Amendment Bill 2023 was passed which extended police powers to allow officers to use handheld metal detectors to detect knives in safe night precincts, on public transport and in public transport hubs throughout Queensland. Since the passage of Jack's Law, over 390 weapons have been detected, resulting in approximately 350 offences under the Weapons Act 1990.

As of 1 December 2023 every weapon possessed in a public place unlawfully presents a significant risk to the community and increases the risk that the item is used in the commission of a violent offence. Concerns around young offenders using knives and other weapons in the commission of criminal or violent acts is not isolated to Queensland. This is a concern many jurisdictions, both national and internationally, share with us. The reasons underpinning this global trend are multifaceted; however, they include the perceived notoriety associated with weapons possession by young people.

The bill introduces legislative reform to provide increased regulation regarding the sale, storage and advertisement of knives and other dangerous items. This is achieved by amending the Summary Offences Act 2005 and the Police Powers and Responsibilities Act 2000 to introduce several new offences, including: prohibiting the sale of knives and other dangerous items, known as controlled items, to minors; imposing obligations upon employers to instruct their employees regarding this prohibition; creating an offence for a person to falsely represent themselves as being over the age of 18 for the purpose of being sold a controlled item; requiring commercial sellers of controlled items to display signage advertising the legal prohibition against selling these items to minors; prohibiting controlled items from being sold or advertised in a way that suggests the item is suitable for combat, intended to be used for violence or likely to stimulate or encourage violent or criminal behaviour involving the item; and imposing obligations upon commercial sellers of particular controlled items to securely store the item at retail locations. The bill also introduces several consequential amendments to support this reform such as allowing a police officer to request to see proof of age if they see or suspect a person under the age of 18 has been sold a controlled item and authorising a police officer to seize the item under certain circumstances.

Targeted consultation has occurred with key stakeholders regarding the proposed amendments which has revealed general support for this initiative. All feedback received has been considered in the development of this bill. These reforms will commence on a date to be fixed by proclamation. This will ensure sufficient time is provided for all implementation activities. This may include: providing training to police officers and commercial sellers; introducing revised procedures; staff training; and alterations to retail outlets that may be necessary. These reforms will work alongside other community safety initiatives designed to tackle knife crime and youth offending, including the handheld wand provisions enabled by Jack's Law. The Queensland Police Service is committed to preserving peace and good order in all areas of Queensland in all of our communities, protecting and supporting the communities, and preventing and detecting crime. I thank the committee for this opportunity today and welcome any questions.

CHAIR: I will start with a quick question. One of the things we also ask about is the extent of the consultation. Can you detail the consultation, especially with the retail sector, that has been undertaken for this bill?

Ms Mudryk: A public consultation paper was provided to key stakeholders. We did identify some of the largest parties within the retail sector and asked that they review the consultation paper that provided an overview of the proposed amendments and provide us a response if they were seeking to contribute to the development of that amendment. I can identify a list of the stakeholders that were contacted if that would please the committee.

CHAIR: That would be good or even just a description of the process and what was the reaction? Who were the main stakeholders?

Ms Mudryk: Certainly. We did receive responses from key retail industry leaders such as Bunnings. The responses received were generally quite supportive. There was a lot of acknowledgement that this is a concern amongst the community and the retailers very much were understanding that this was a positive measure that could be implemented and it would also support the safety of their customers.

CHAIR: I asked that question because on the weekend I stopped at a local outdoors kind of store. All the knives there were quite impressive or terrifying, whichever way you want to describe it. They were under the counter—visible but controlled. If they have those under greater security, under lock and key, I think the retail sector is supportive of greater security measures on this. I am paraphrasing that, but I think I have the general gist of how the retail sector would be supporting this.

Ms Mudryk: I can advise that some of the main retailers we did contact were the Australian Retailers Association; the Australasian Convenience and Petroleum Marketers Association; Master Grocers Association; National Retail Association; Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees; Shopping Centre Council of Australia; Scenic Group; Woolworths; Coles; Bunnings; Business Chamber Queensland; Gel Blaster Association of Australia; Gel Blaster Association Incorporated.; Airsoft Gel Paintball Association Incorporated; Cairns Gel Blasters Club Incorporated; North Queensland Gel Blaster Owners and Collectors Association; Ausgel International Pty Ltd; and the Office of Queensland Small Business Commissioner. We did try to identify the major stakeholders that would be interested in the proposed amendments. You are correct; a lot of retailers already implement some wonderful measures where they are ensuring these dangerous items are locked up and secured appropriately. Some of the proposed amendments will ensure that great practice is utilised across the state.

Mr McDONALD: Can I go to the consultation? Were there weapons or outdoors groups that you consulted? In terms of the list you outlined I do not associate going to buy a knife from those outlets. However, if I wanted to buy a hunting, outdoor or fishing knife, I would probably go to a fishing shop, an outdoor shop or a weapons shop. Did you talk with those at all?

Ms Mudryk: The list I read out earlier, unless I have missed one, should be the full list of retailers and stakeholders that were consulted. Many of these associations have a group of industry leaders who are actually part of them. For example, the Australian Retailers Association would have members from a variety of different retailers, so certainly those associations would be able to obtain feedback from a number of different stores that would be affected by the proposal.

Mr McDONALD: Something people have said to me many times is guns do not kill people; people kill people. Likewise, knives do not kill people; it is the use of knives that kill people. I am a bit concerned about some of the smaller retailers who will have to go to some significant expense. Is there some assistance for them to be able to improve their security, training and all of the different regimes that the bill outlines? Has there been any thought given to that, particularly for that sector I was talking about—the outdoor stores? A lot of those are small family businesses; they are not big chains.

Ms Mudryk: The Queensland Police Service will be developing an implementation plan, hopefully with a lot of support and feedback from the retail sector. From that plan we are seeking to produce some resource material and some guidance that will be able to be used by these stores to assist in the training of their personnel and also to better understand how the amendments will impact them in their day-to-day business. During that time we will be reaching out to these stakeholders to ensure that that appropriate communication strategy is provided not only to them but also to the rest of the public.

Mr McDONALD: Will that implementation strategy include an education part and perhaps an inspection regime without strong enforcement from the start? Could you see that happening?

Deputy Commissioner Harsley: Usually when we implement this—it is a little bit like the graffiti issue when spray cans were regulated—there is always a period of time where we take a learning/education approach rather than an enforcement approach. If you look at the majority of retailers when you go to the shops, I think most of them are very responsible anyway. It is probably more, as you mentioned, those smaller ones that need more education about how to store those knives but also about the potential danger to themselves when displaying and selling knives to people with criminal intent. We always take an eased approach to enforcement.

Mr McDONALD: A couple of emails were sent out last week and they were along the lines of 'changes to possession of a knife in a public place'. I am asking for my own clarification or confirmation that this bill does not include any changes to that area?

Deputy Commissioner Harsley: No.

Mr MADDEN: As a former lawyer, I think this is a very interesting bill. There are two items I want to talk about. Firstly, when I go to Bunnings now it will be a bit like the spray cans; there will be cages where they have certain items. If I am in the outdoor section it might be the spear gun. If I am in the hardware section, it might be the axe. Is that how it will appear?

Ms Mudryk: Certainly. Within the list of controlled items only a certain few will be subject to new secure storage requirements. It certainly will not be every item in the definition of ‘controlled item’, but we have provided retailers with several options in which they may introduce these amendments. They can securely store the item—and that can be in a locked container, a cabinet or a cage—but they can also tether the item securely. Many people may have seen those implements in stores already where they are secured and they are not able to be removed without the assistance of a sales associate. That will provide businesses with a lot more options and then they can adjust the secure storage that best suits their store and best suits the item.

Mr MADDEN: Is there some flexibility with that? In some stores there might be a cage and in others there might be a tethered item?

Ms Mudryk: Certainly.

Mr MADDEN: That is great. Thanks for clarifying that. I would like you to clarify the proposed new section 19L, which is on page 11 of the explanatory notes. I will wait until you have found that so you know what I am talking about. I want to confirm that machetes and axes will now have to be secured or tethered.

Ms Mudryk: That is correct.

Mr MADDEN: Including tomahawks?

Ms Mudryk: Tomahawks are not specifically stated in the bill purely because there was no need. They come under the definition of an axe, but it does include tomahawks. Certainly there was reference to a tomahawk in the explanatory notes just to make clear to the average person that that does constitute an axe and is captured by certain elements within the bill.

Mr HART: Do you have any idea how long it will take retailers to get these processes in place so this law can come in?

Ms Mudryk: Thank you for the question. The amendments are proposed to be progressed or commenced by proclamation, so on a date to be fixed. No date has been identified at this time. During consultation we did receive feedback from certain stakeholders that they were requesting a period of potentially six to 12 months. In determining the appropriate time frame for the amendments to commence, we will need to further consult and consider when it would be a viable time for this proposed reform to be introduced.

Mr HART: I am a big supporter of this because I have actually seen under-18s buying machetes in major retailers on the Gold Coast. I just cannot see why a child would need a machete. We need to bring this in as soon as possible. What happens with online purchases? What is going to happen there as far as interstate and those sorts of things go?

Ms Mudryk: That is an excellent question. The amendments do cover online sales and certainly they do cover sales interstate as well. That has been explicitly stated in the bill just to ensure that there is no confusion or to avoid any uncertainty. I direct you to clause 12 of the bill and specifically note subclause (3), which identifies that ‘sell’ does include online and at any place. It states—

Examples of places where a sale may happen—

Retail premises, a flea market, a temporary retail stall, a private residence

It also makes specific reference that ‘sell’ includes outside Queensland to a person in Queensland. That would cover a situation where there is a retailer that might be based in New South Wales that is trying to sell to a Queensland resident.

Mr HART: How is the police force going to regulate that?

Deputy Commissioner Harsley: Usually if it is an offence, if the sale transaction occurs within Queensland, that will come under our jurisdiction to enforce. Likewise, other states would also assist us with the enforcement of that.

Mr HART: Do you envisage somebody being caught with it and backtracking to see how they got hold of it? Is that how you are going to do it?

Deputy Commissioner Harsley: Yes. Usually during the investigation we find out the source of the knife—where it came from. With online, obviously the type of weapon that the youth seek is for notoriety; so everybody knows the website that is selling those types of knives and they are the ones we obviously target.

Mr HART: What about the occasion of somebody giving an under-18 a knife as a gift, not that I think that should happen. I guess it probably does. How will we enforce that?

Ms Mudryk: As we did identify earlier, there are no amendments in this bill to the offence of possessing a knife in a public place under section 51 of the Weapons Act, so there will be no change or impact on a young person possessing a knife. Certainly there may be circumstances where it is appropriate for an adult to give a young person a knife. For example, if they are an apprentice chef, they may require kitchen knives to conduct lawful employment and the employer would be required to give that employee a knife for the purposes of conducting their apprenticeship.

Mr HART: It sounds like you have thought that through, so well done.

Mr McDONALD: Cameron, I have a follow-up question on the jurisdiction question that you answered. Sometimes there is confusion over where a transaction takes place if a person is here in Queensland and does a transaction online. Can you help the committee understand this? When that transaction is conducted by a person in Queensland, does it matter where the seller actually is as to which jurisdiction, for instance, if the seller is in New South Wales or in Taiwan?

Deputy Commissioner Harsley: If he perceives or receives the goods on the sale of a transaction that has commenced in Queensland, I would consider the transaction to have occurred in Queensland although the supply came from outside. We could still take the knife from the young person and commence the investigation. Potentially what we want to do is get the knife off the street or stop the young person's access to the knife. That is more of a priority for us rather than tracking down people selling knives—people internationally or in other states.

Mr McDONALD: Then it would become a matter of referring to the international police and taking action against the seller somewhere else?

Deputy Commissioner Harsley: Yes.

Mr KATTER: I did not read how you categorise what knives we are talking about.

Ms Mudryk: Do you mean understanding what a controlled item is?

Mr KATTER: Yes. Presumably in the schedule it has definitions?

Ms Mudryk: I will refer to the bill to identify what will be captured by these offences. A controlled item, under the new section 19E of the bill, would mean a knife other than an exempt knife; a sword, machete or axe; a sickle or scythe; a spear gun; a spear; a restricted item under the Weapons Act 1990, section 67 that is the replica of a firearm under the act; and includes a thing prescribed by regulation to be a controlled item; and does not include a thing prescribed by regulation not to be a controlled item. What constitutes a knife is not defined specifically in the act or within the bill; it is given its ordinary meaning. Therefore, it does have, I think, a common-day understanding of what constitutes a knife.

If I can refer to what the consideration may be for what constitutes a knife. It may be understood to be 'a cutting instrument consisting of a thin blade, usually of steel and with a sharp edge, attached to a handle; a knife-like weapon; a dagger; a short sword; or any blade for cutting, as in a tool or machine'. That is a definition that is taken from the *Macquarie Dictionary* and it would be a matter of application regarding how the court defines a knife, but it certainly is given its ordinary meaning in this context and it is to be distinguished from the definition of 'knife' in section 51 of the Weapons Act which is much broader.

Mr Shears: I will make the additional point that the term 'controlled item' is consistently used pretty much across the majority of the offences that are introduced in this bill, with the exception of the requirements on commercial sellers to secure particular controlled items. That does not apply to all controlled items; it just applies to a controlled item that is a dagger, that is a double-edged blade, a knife with a blade at each end, a sword, machete or axe, a sickle or a scythe, a spear gun, a spear or a bladed item described by regulation. That is the exception to the use of the term 'controlled item'.

Mr KATTER: I am picturing in my head the Swiss Army knife or the stockman's pocket knife—a folding knife—which are pretty useless for stabbing or for use as a weapon. Can you comment on how that would be regarded?

Ms Mudryk: That would constitute a knife under the proposed amendments. There are exempt items that will not be captured by the prohibition against the sale to minors. Those exempt knives do include a plastic or wooden knife designed to be used for eating; or a knife with a rounded or dull edge—an example of that would be a butter knife; or a knife designed for use as a cheese knife. Those items are exempt and will not be covered under the definition of 'knife'. Certainly, within the controlled item definition, it does hold opportunities for a thing to be prescribed as a controlled item if there is an identified need in the future or a thing not to be prescribed as a controlled item, again if there is a particular item that is identified down the track that should be an excluded item.

Mr MADDEN: I am thinking about the situation where you have a minor who is a fisherman who has a creel with prohibited knives in there. The same with a young farmer who has an axe and a machete. Does that come under the 'reasonable excuse', the fact that they have possession, or is possession not something that we are aimed at in this bill?

Ms Mudryk: This bill does not make any amendments or changes to the possession of a knife in a public place or a school. Section 51 of the Weapons Act is not altered in any way by this bill and would continue to operate as normal.

Mr MADDEN: I am talking about a different situation. I am not talking about a public place. I am talking about a lake or a river or the ocean with a fisherman, and with a young minor farmer, I am talking about a person on a farm.

CHAIR: A private place?

Mr Shears: That will be a private place.

Mr MADDEN: It may not even be their possession. They may not have purchased it, but they have possession of it. I am wondering how that would be handled.

Mr Shears: I hope this answers the question: if somebody else was to purchase that knife for the minor and then pass the knife to the minor without a sale happening—just a simple gift, if you will—no offence would have been committed for that secondary transaction, the passing it on.

Mr MADDEN: I was assuming that the item was purchased before this bill came into effect or it was purchased by an adult after the bill came into effect, and they simply had possession of it. Would a police officer be concerned about that, or would they regard that as a reasonable excuse that they were fishing or working on a farm?

Deputy Commissioner Harsley: I think the reasonable excuse comes into it and common sense. If they were on a farm and using the knife for fishing purposes or hunting, or working on the land, that is a reasonable excuse.

Mr MADDEN: I guess I just wanted confirmation that 'reasonable excuse' would cover that situation. Where a police officer came across a farmer with an axe or a machete, or a fisherman with a knife that satisfies the requirement as 'a prohibited item', it would be a reasonable excuse?

Deputy Commissioner Harsley: It would be a reasonable excuse, I would say, member.

Mr HART: My question is along the same lines. I am wondering if a Swiss Army knife is a controlled item on the street. Is it an offence to carry a Swiss Army knife?

Ms Mudryk: I believe carrying a Swiss Army knife would likely constitute a knife under section 51 of the Weapons Act, so would be captured by that offence. As my colleague indicated, it would just be whether the possession is lawful under that particular provision within the act.

Deputy Commissioner Harsley: An example is boy Scouts wear knives on their belts when they go out camping. It is a reasonable excuse that they have them on for the purpose of camping, so that reasonable person approach comes into play.

Mr HART: I guess this is a case of common sense. If you are out at a nightclub and you are dressed appropriately for a nightclub and you have a Swiss Army knife then that could be a problem, but if you are a farmer wandering the streets of the Gold Coast, then maybe it is not an offence; is that right?

Deputy Commissioner Harsley: It would come down to the reasonable excuse in that circumstance.

Mr KATTER: Can I explore that, Chair? A lot of people out west have a knife belt, so if you are in the yard, it might be multi-pliers with knife attachments on it, or just an old-timer pocket knife or something similar, and you go into town to Bunnings or even picking someone up at the airport or you are going into town, it could not reasonably be justified. You do not really need it in town but you are just wearing it. I do not have a reasonable reason to have it and the police officer pulls me over and, while some are reasonable, some might say, 'Mate, I am obligated because I do not want to get into trouble.' Let's run a hypothetical and say someone robbed me or I get in a scuffle and end up using that knife and the police say, 'You illegally operated that.' If the police said, 'I want to avoid that situation so I am going to have to give you a ticket even though I know it is unreasonable because you do not actually have a reasonable excuse for having that in town.' There is a fair bit of hypothetical in there. A lot of these rules are constructed where you say, but then at the working level, some say, 'I know it is probably unlikely, but I need to cover myself here and give you a ticket for that because I just do not want to get myself into trouble.'

CHAIR: This goes to the question of possession and any changes there, but feel free to answer that.

Mr KATTER: I do not understand the law that well, so it is probably an ignorant proposition to put, but I just need an answer on that, please.

Deputy Commissioner Harsley: I suppose it all comes down to the circumstances and the hypothetical. We could talk about a range of hypotheticals, but it always comes down to that reasonable excuse. If I were travelling in the country and you saw a farrier who is doing work on a horse's hoof and they are carrying a knife and they are in town getting their lunch or visiting somebody, the reasonable excuse is that it is part of their work and that they need that instrument to do their job. To me, that is a reasonable excuse. It is quite different to somebody going into Surfers Paradise with a knife strapped to their belt at midday for no purpose. I suppose there is a range, and it really depends on the circumstances and the reasonable excuse for the officer. The safeguard always is that if the police do charge somebody, it goes to court and they have the option of defending the matter in court and getting a court decision on it. We are always mindful of that reasonable excuse. We have to have evidence that it does not exist before we take action against somebody because inevitably, if it ends up in the court, we have to prove that it was not reasonable in our mind at the time we took action against the person.

Mr KATTER: I guess just at this early legislative stage and trying to avoid the point again. A grazier in Julia Creek who wears his knife belt 24/7 goes into Mount Isa or Townsville, forgets he is wearing it and an overzealous police officer gives him a ticket. Yes, he can go to court or go and see the magistrate and say, 'I had a reasonable excuse.' In all fairness, he should not be there in the first place. In my view, we should be avoiding that situation. I know no laws are perfect, where there is always a little bit of collateral damage, but that is where my concern lies, that people inadvertently get caught out. As you say, the farriers, the graziers, the whatever, the farmers who come into town and are just used to wearing that sort of thing quite often and suddenly, like I said, the overzealous police officer pulls them up.

CHAIR: Thank you, member for Traeger. The point is well made. Is there any further comment on that before we go to the next question?

Deputy Commissioner Harsley: The only comment I would make is that is why we have a court system—to bring accountability to the police decision. The courts may take a very different view to that of the overzealous police officer, given the reasonable excuse the person raises. I would think that that type of thing, particularly out west, would be a reasonable thing because people travel around west for business or private purposes. Often they are used to wearing that attire or having that knife on them. It is just the way of, I suppose, life in the bush, so I would expect officers to exercise discretion in those times.

Mr McDONALD: Not just way out west either. There are some good produce people in the Lockyer Valley who might have to.

CHAIR: We divert. Can you briefly describe what changes are being made with regard to gel blasters—that is, replica firearms?

Ms Mudryk: In relation to the proposed amendments, it will be prohibited to sell a replica firearm to a person under the age of 18. What constitutes 'a replica firearm' for the purpose of this particular amendment will come under section 6A of the Weapons Act 1990 which defines a replica of a weapon as a reasonable facsimile or copy of a weapon, even if it is not capable of discharging a projectile or substance; or a category A, B or C weapon that has been rendered permanently inoperable. Under the act, a gel blaster is specifically mentioned in the explanatory notes to identify that this is a commonly understood item that many people use because certain gel blasters are replica firearms. They can be indistinguishable from a real firearm, and that is, I guess, the concern that is being addressed in this particular bill. There are current regulations regarding gel blasters in relation to their possession, but the particular amendments in this bill will be focused on prohibiting the sale of gel blasters to minors if they are a replica firearm.

Mr HART: You mentioned regulations. Is there more than one regulation that would cause something to be illegal under this particular legislation? What piece of legislation gives that regulation its head of power?

Ms Mudryk: Can I confirm that you are talking about the current regulations regarding replica firearms that are gel blasters?

Mr HART: I think you just mentioned it, and Michael mentioned the regulation before there as well. Are they one and the same regulation you are talking about or different?

Mr Shears: If I understand correctly, I think earlier I was reading out the definition of ‘controlled item’ and it is mentioned at the end that a controlled item would include anything prescribed or exempted by regulation. So that regulation, if it does come to be, will be under the Summary Offences Act.

Mr HART: There is no regulation at the moment?

Mr Shears: Not as part of the package of the bill, no.

Mr HART: This regulation is given a head of power under this legislation and not—what was the other legislation?

CHAIR: Summary offences or police powers?

Mr HART: No, this is summary offences. The other one was the—

Mr MADDEN: Weapons, categories, regulation?

Ms Mudryk: I did just mention the Weapons Categories Regulation 1997, and that is relevant to this particular bill as it defines what a restricted item is, noting that a replica of a firearm is a restricted item under the Weapons Act, so it would be bound by a particular offence provision under section 67 of the Weapons Act and that particular item is referred to in the definition of ‘controlled item’ to identify that a restricted item that is a replica of a firearm is a controlled item, and that is where gel blasters are captured under that particular provision.

Mr HART: Is that a regulation?

Ms Mudryk: Yes. Section 9 of the Weapons Categories Regulation 1997 defines a restricted item to include a replica of a firearm, other than a replica of a firearm that is authorised to be possessed and used under a blank-fire firearms licence or possessed, supplied and used under a theatrical ordnance supplier’s licence. That definition is what is referred to when we are discussing a replica firearm that is a controlled item.

Mr HART: To clarify, are there any other regulations that impact this bill?

Ms Mudryk: No regulations that presently exist; however, the bill does refer to particular regulations that would need to be developed in future. For example, commercial sellers are required to display signage advertising prohibiting the sale of those controlled items to minors, and the dimensions and the look of that particular sign would need to be put into the regulation, which would happen during that implementation period.

Mr HART: You have not done that regulation yet?

Ms Mudryk: No, that has not been developed as yet, but it will be developed prior to the amendments coming into force by proclamation.

Mr McDONALD: While you were answering a couple of those questions, I thought: will the bill allow for a seller to have a counter area that is open to the public, but then a locked door and only people over 18 are allowed in behind there? That will cover it; you do not have to have everything locked up inside that secure environment as well?

Ms Mudryk: If a particular item is covered by the secure storage requirements which, as we identified before, only captures a couple of the particular items, they can be stored securely in a number of different ways. That could be, as you suggested, in a locked back room; it could be in a display case that is locked; it could be in a cage, as you often see in Bunnings with spray paint; or it could be securely tethered. It is up to the business as to how they would like to secure that item, given that each business may have different needs and each item may have different storage requirements that would be most appropriate.

Mr McDONALD: From doing a number of inspections or visits, I have seen that people do have that locked area out the back. I just wanted to make sure they are doubling up. Thank you.

CHAIR: The time for the briefing has concluded. Thank you very much for your evidence today, Deputy Commissioner Harsley, Mr Shears and Ms Mudryk. There are no questions taken on notice. Thank you to Hansard and thank you to our committee. Thank you to all of those who participated today. A transcript of these proceedings will be available on the committee’s webpage in due course. I declare this public briefing closed.

The committee adjourned at 11.04 am.