

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

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Submission on the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023

I thank the State Development and Regional Industries Committee for the opportunity to provide submissions on the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023. I note that I support the Bill under consideration; however, I would suggest the following changes:

I. Additional exempt knives

In my view, the proposed restrictions on knives are too broad; the restrictions proposed in the Bill cover items such as pocket knives, kitchen knives, cutlery and eating utensils (with the exception of plastic and wooden cutlery).

I would suggest that the Committee expand the definition of ‘exempt knife’ to include:

- Folding pocket knives, provided the cutting edge of the blade does not exceed three inches: These knives are inoffensive and serve a legitimate purpose. English laws restricting the sale of knives to minors include a similar exception.¹
- All cutlery and kitchen knives designed for domestic use, regardless of construction, where the customer is 16 or 17 years old: These knives are also inoffensive and serve a legitimate purpose. Although there remains a risk of misuse of such knives, this risk can be, in my view, sufficiently attenuated by restricting sales to minors aged 16 or 17. This proposal again largely mirrors a provision of overseas law, namely Scottish law.²

II. Defence with respect to replica firearms

Criminal liability under section 67 of the *Weapons Act 1990*—which restricts the possession and acquisition of replica firearms—only arises where the accused person did not have a ‘reasonable excuse’ for possessing or acquiring the restricted item. Minors may therefore, in some circumstances, lawfully acquire and possess replica firearms.

However, the proposed offences within the Bill do not contain any exception where the minor had a ‘reasonable excuse’ for acquiring a replica firearm.

This would create an unusual circumstance, whereby a minor with a ‘reasonable excuse’ can lawfully acquire a replica firearm, yet the seller of the replica firearm may still be held criminally liable.

¹ *Criminal Justice Act 1988 (Offensive Weapons) (Exemption) Order 1996*, SI 1996/3064

² *Criminal Justice Act 1988* (c. 33) s. 141A(3A) (Scottish extent)

I would therefore suggest that the Committee incorporate a defence within the proposed Bill, which exempts sellers from criminal liability where:

- (a) the controlled item was a restricted item under the section 67 of the *Weapons Act*; and
- (b) either:
 - (i) the minor had a reasonable excuse for acquiring the restricted item; or
 - (ii) the accused person reasonably believed that the minor had a reasonable excuse for acquiring the restricted item.

‘Reasonable excuse’ should bear the same definition as in section 67 of the *Weapons Act*.

I again thank the Committee for the opportunity to provide submissions.