

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

Submission No: 4
Submitted by: Shopping Centre Council of Australia
Publication:
Attachments:
Submitter Comments:

SUBMISSION

SUMMARY OFFENCES (PREVENTION OF KNIFE CRIME) AND OTHER LEGISLATION AMENDMENT BILL 2023

TO: Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Thank you for the opportunity to provide a submission to the *Legal Affairs and Safety Committee* on the above Amendment Bill, tabled by Police Minister Ryan on 29 November 2023.

We were consulted by the Government on this issue, and we put on record our appreciation for the Government's engagement, including through Minister Ryan's office.

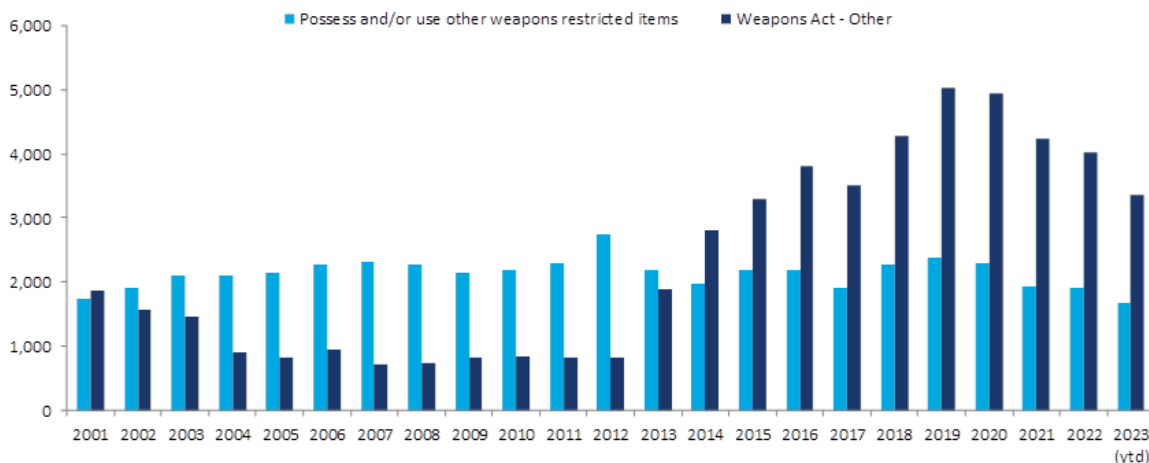
Our support on this issue formed part of Minister Ryan's announcement and *Media Release* dated 8 November 2023, whereby we highlighted our support for the proposal as both an important and timely community safety initiative.

As shopping centres are a key 'public place', and 'crowded place' under Australia's national security and counter-terrorism framework, we welcome the proposal to increase maximum penalties for knife possession and crime.

We are also heartened by the fact that the Amendment Bill, which principally seeks to restrict the sale of knives and gel blasters to minors, will complement 'Jacks Law', as passed by the Parliament under the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023*, earlier this year.

Like others, we are deeply concerned about the worrying trends in relation to rising crime, including retail crime and youth crime, and the general concerning trend in relation to the possession and use of weapons as is noted in the Government's statistics (see below).

Queensland Crime Statistics
Select Weapons Offences



Source: SCCA Research/ Queensland Police Service

As a relatively recent case in late August 2023, the Committee may be aware of the incident at one of our centres, Westfield Helensvale, whereby a security guard was assaulted and seriously injured with a bladed weapon.

We support the Amendment Bill and recommend that it be passed by the Parliament, subject to our comments below.

We respectfully submit an additional issue that the Committee should consider in making recommendations to either strengthen the Bill as part of its passage, or that the Government should investigate as part of a future policy response.

NEW LAW/OFFENCE: DELIBERATE CONCEALMENT OF A KNIFE OR WEAPON IN A PUBLIC PLACE

We are increasingly seeing the deliberate concealment of 'controlled items' such as knives and other weapons in places such as plants and planter boxes at our shopping centres (which are being discovered by our staff), and, in addition to prohibiting the sale of knives and gel blasters to juveniles, we **would believe that such deliberate concealment of 'controlled items' including knives and weapons also becoming a specific offence.**

We believe that such an offence could be based on similar principles to the Amendment Bill, and could be limited (if required) to public places such as shopping centres.

In our view, any person that deliberately conceals knives and weapons are doing so to potentially undermine the 'Jacks Law', as passed by the Parliament under the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023*, earlier this year.

We believe that a new offence targeting the concealment of weapons would complement existing laws, including Jack's Law, and other laws in relation to the possession of weapons.

This would also complement the proposed new law in relation to restricting the sale of prohibited knives and gel blasters to minors.

While rising crime is a community-wide issue, in our case the rights of individuals to be able to do their shopping, the rights of business owners to have quite enjoyment in running their business and the rights of employees to work in safe and respectful environment must be a paramount consideration of the Government and the Parliament.

Any effective measures to deter and address serious assault and the possession, concealment, acquisition and use of weapons are strongly supported.

Despite our industry's concerted efforts, we see staff and security officers continue to be treated with disdain by certain members of the community, including youth, who in certain cases seem determined to cause harm and commit crime.

RECOMMENDATIONS

We make the following recommendations for the Committee's consideration as part of their final report to improve the Bill and its implementation:

- The Amendment Bill be passed, with relevant amendments to make the concealment of knives and weapons also a specific offence.
- Subject to the passage of any Bill, in its current or an amended form:

Legislation / guidance and training material

- Particularly given the obligations, offences and penalties for '*commercial sellers*' and their employees, the Government provides clarity and guidance on what constitutes a 'knife' (under the definition of '*controlled item*') under the proposed new law, ensuring that the wide range of affected '*commercial sellers*' and retailers (e.g. kitchen and homeware; newsagents and art supplies; supermarkets; department stores; outdoor/camping stores; service stations etc) are clear what is and isn't included as part of the new regime, and there is little room for second-guessing.
- The Government provides clarity that the definition of '*commercial seller*' includes online platforms, including 3rd party platforms, along with online platforms that are not based in Queensland but sell products (and '*controlled items*') in to Queensland. There is room for possible confusion given the references in the Bill to 'retail outlets' and signage at the 'point of sale'.
- The Government ensures that the definition of '*commercial sellers*' includes locations such as markets including local and other markets.

In relation to markets, as an example, the website *Queensland.com* lists several markets that may be affected.

As has recently arisen in Victoria, certain members of the community have taken to buying knives and other weapons at markets. This was portrayed in a Channel 9 bulletin aired on 19 September 2023 titled '*Teens flocking to markets to illegally buy weapons amid youth crime crisis*' (refer to relevant screenshot excerpts below):



- The Government ensures key operational requirements on commercial sellers / retailers are clear (e.g. validation of proof of age; what constitutes a 'knife'; signage and marketing requirements; under-18 selling items to over-18 customers; clarity of no fault to staff or businesses for refusal to sell prohibited knives; what information and training will be deemed to satisfy the legislative requirements / could be used a reasonable defence where appropriate evidence is provided).

Financial support / education (e.g. secure storage, installation, awareness campaign)

- The Government considers financial support for the implementation of the Bill, particularly for small businesses for the installation of secure storage (which may run into the thousands of dollars), along with ensuring there is industry capability (e.g. materials, labour) to install relevant storage.
- The Government develops education material providing clarity of key definitional and operational obligations and requirements.
- The Government runs a community awareness campaign across general and targeted media, including social media. Shopping centre digital screens could be used as part of any campaign. A campaign could be based on the Police Commissioner's 'I live my life...without a knife' (referenced in the Explanatory Notes) campaign.
- The Government should establish a working group of affected stakeholders, including ourselves, to ensure the law is transitioned and implemented effectively.

Key operational and security issues

- The Government works with industry, including our industry, to ensure a proper risk analysis is undertaken, including the potential need for a visible police presence at certain locations, noting that some commercial sellers and retailers may suffer customer aggression for failure to serve a customer a controlled item.

CONTACTS

Thank you for the opportunity to provide a submission to the Committee.

We look forward to working with the Government and Queensland Police on the successful transition and implementation of the Bill, if passed by the Parliament.

We would welcome an opportunity to appear before the Committee, as needed.

Angus Nardi, Chief Executive