

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

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Submitted by: Aboriginal and Torres Strait Islander Legal Service
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Submitter Comments:



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22nd December 2023

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: SDRIC@parliament.qld.gov.au

Dear Committee Secretary,

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

Thank you for the opportunity to provide comments on the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 (Bill) which proposes to amend the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA) and *Summary and Offences Act 2005* (Qld) (SO Act) to prohibit the sale of knives and other weapons to minors and establish a legislative regime to support the regulation of this activity. The purpose of this submission is to provide our broad support for the Bill, subject to a concern that we have raised regarding the appropriateness of the maximum penalty for proposed offence 19N of the SO Act (False representation of age)¹.

Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and

¹ Clause 6 of the Bill, proposed section 19N, SO Act.

prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

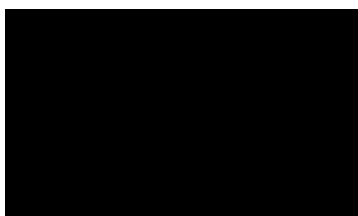
Comments on consultation

We support the policy objectives behind the Bill and offer our broad support of the Bill.

We do, however, take this opportunity to raise a concern regarding proposed section 19N (False representation of age) of the SO Act, per clause 6 of the Bill. Whilst we support the maximum penalty for this proposed offence to be a fine, we do not see why a maximum penalty of 25 penalty units (which, at the time of writing, equates to \$3870) is appropriate to impose on a child given their limited capacity to be able to pay such a fine. In our experience, we have observed that fines are rarely imposed upon children for this reason. We, therefore, respectfully submit that the Committee consider the appropriateness of the proposed maximum penalty.

We thank you for the opportunity to provide feedback on the Bill.

Yours faithfully,



Shane Duffy
Chief Executive Officer