




Speech By
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MEMBER FOR TOOWOOMBA NORTH

Record of Proceedings, 1 May 2019

**WEAPONS AND OTHER LEGISLATION (FIREARMS OFFENCES) AMENDMENT
BILL**

Introduction

 **Mr WATTS** (Toowoomba North—LNP) (12.42 pm): I present a bill for an act to amend the Criminal Code, the Police Powers and Responsibilities Act 2000 and the Weapons Act 1990 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019 [\[675\]](#).

Tabled paper: Weapons and Other Legislation (Firearms Offences) Amendment Bill 2019, explanatory notes [\[676\]](#).

Crime and criminal use of firearms is out of control in Queensland. Let me say that again. Firearm crime in Queensland is out of control. There is no doubt that outlaw motorcycle gangs and organised criminal gangs are a significant contributor to violent firearm crime and unlawful manufacturing of weapons. Labor's soft approach to organised crime has encouraged outlaw motorcycle gangs and organised criminals back into our state. The recent events are proof that outlaw motorcycle gangs are back with a vengeance.

On 4 February, a group of armed Rebels bashed and shot a Bandido outside the Logan Hyperdome. Following this, on 26 February a Rebels gang member was shot eight times in his Upper Coomera home. After these events occurred, Superintendent Charysse Pond from Queensland's State Crime Command conceded there had been an 'absolute escalation of violence in relation to organised criminal gangs'.

While outlaw motorcycle gangs pose a significant threat to the community, so do other high-risk individuals, including terrorists and persons with a history of violence. The terrorist threat in Australia remains elevated and more needs to be done to respond to this risk. The latest 2017-18 crime report reveals Weapons Act offences in Queensland have risen 63 per cent since 2008. Illicit firearms are used to aid criminal activity and strengthen an organised crime group's power and ability to threaten, intimidate and control.

The rise of organised criminal gangs is largely to blame for the escalation of firearm crime—a claim which has been backed by the Australian Criminal Intelligence Commission. According to the Australian Criminal Intelligence Commission, an increasing number of organised crime groups, including outlaw motorcycle gangs, are trafficking illicit firearms. In the same report, the Australian Criminal Intelligence Commission conservatively estimated that the illicit firearms market includes more than 250,000 long arms and 10,000 handguns.

Queensland is falling behind the majority of Australian jurisdictions when it comes to firearm legislation designed to protect our community. The community cannot continue to live in fear and suffer at the hands of violent offenders. It is the primary objective of any competent government to keep its citizens safe. No member of the Queensland community should be living in fear and suffering at the hands of violent offenders. In other states, there are strong and workable laws that have been in place for many years. That is why the LNP is introducing these strong laws to ensure we have a framework that offers the strongest protection for the Queensland community.

The overarching policy objective of the bill is to strengthen the legislative framework in relation to weapon and firearm crime. This is achieved by introducing a new legislative framework known as a firearm prohibition order, which serves to prohibit high-risk individuals from acquiring, possessing or using a firearm; and increasing current penalties and introducing new offences for weapon and firearm offences.

This bill contains the following new offences which impose strong penalties to deter gun crime and to punish offenders who break the law. The bill inserts a new framework known as the firearm prohibition order into the Weapons Act. The intention of the firearm prohibition order is to provide a legislative framework to prevent a high-risk person from acquiring, possessing or using a firearm. Under the framework, the commissioner may make an order against a person if, in the opinion of the commissioner (a) the person is not fit, in the public interest, to have possession of a firearm; or (b) the person is a participant in a criminal organisation within the meaning of the Penalties and Sentences Act 1992 or is subject to a control order under that act. A firearm prohibition order takes effect when a police officer serves a copy of the order personally on the person against whom it is made, and the commissioner may revoke a firearm prohibition order at any time for any or no stated reason.

The firearm prohibition order framework contains a range of new offences. The new offences are as follows. One, a person who is subject to a firearm prohibition order must not acquire, possess or use a firearm. The maximum penalty is 15 years imprisonment. Two, a person who is subject to a firearm prohibition order must not acquire or possess a prohibited thing or ammunition for any firearm. The maximum penalty is seven years imprisonment.

Three, if a firearm prohibition order comes into effect against a person, the person must immediately surrender to a police officer all firearms, prohibited things and ammunition for any firearm in the possession of the person. The maximum penalty is 500 penalty units or 10 years imprisonment for a firearm or 200 penalty units and four years imprisonment for a prohibited thing or ammunition for any firearm.

Four, a person must not supply or give possession of a firearm to another person knowing that the other person is subject to a firearm prohibition order. The maximum penalty is 15 years imprisonment. Five, a person must not supply or give possession of a prohibited thing or ammunition for any firearm to another person knowing that the other person is subject to a firearm prohibition order. The maximum penalty is seven years imprisonment.

Six, a person who is subject to a firearm prohibition order commits an offence if a firearm, prohibited thing or ammunition for a firearm is kept or found on the premises at which the person is residing. The maximum penalty is 500 penalty units, or 10 years imprisonment. Seven, a person who is subject to a firearm protection order must not, without reasonable excuse, attend:

- a) a place at which a licensed dealer carries on business under the licence;
- b) a place at which the licence armourer carries on business under the licence;
- c) a range for weapons target shooting;
- d) the premises of a shooting club; or
- e) the premises of an approved historic society;
- f) an arms fair;
- g) any other premises of the type prescribed by regulation for this paragraph. The maximum penalty is 500 penalty units, or 10 years imprisonment.

Eight, a person subject to a firearm protection order must:

- a) inform each other person who is 18 years or more and who resides or proposes to reside at the same premises as the person of the fact that a firearm prohibition order is in effect against the person; and
- b) ask each of the persons mentioned in (a) whether or not they have or propose to have a firearm, prohibited thing or ammunition for any firearm on the premises. Maximum penalty is 200 penalty units, or four years imprisonment.

Nine, a person who has physical possession of a firearm must not, without reasonable excuse, be in the company of a person subject to a firearm protection order. The maximum penalty is 200 penalty units or four years imprisonment.

There are some new offences that are proposed in this bill. The bill provides for a new offence of firing at a dwelling house, building or vehicles in the Weapons Act. Drive-by shootings in Queensland are becoming increasingly prevalent. Too often innocent bystanders become the victims of these violent attacks, which is why the LNP has acted to introduce a new offence. This offence imposes a maximum penalty of 14 years imprisonment for any person who fires a firearm at a dwelling house or other building or a vehicle with reckless disregard for the safety of any person. This is increased to 16 years imprisonment if the offence is committed during a public disorder incident.

The bill inserts a new offence of possession of digital blueprints for manufacture of firearms in the Weapons Act. The manufacture of 3D printed guns poses a threat to our community. Under our current laws, we have already seen arrests made in relation to the unlawful manufacture of 3D printed guns. However, this new offence goes one step further by holding offenders to account for merely having possession of a digital blueprint and possession of a device capable of manufacturing those 3D guns. Under this new offence, a person who possesses a digital blueprint for the manufacture of a firearm and a 3D printer, electronic milling machine or other device capable of manufacturing the firearm commits an offence. A maximum penalty of 14 years imprisonment applies. This offence is derived from New South Wales. However, unlike New South Wales, the offence in Queensland will also require that the person has possession of the equipment to manufacture the firearms to offer safeguards to those who download digital blueprints out of genuine interest.

The bill also inserts new offences in the Criminal Code relating to the intent to resist arrest. Under the bill, a person who discharges a firearm or other loaded arms with intent to resist arrest will face a maximum penalty of 25 years imprisonment. A person who uses or possesses an offensive weapon or instrument to resist arrest will be subject to a maximum penalty of 15 years imprisonment. The penalty is increased to 18 years imprisonment if the person commits an offence in the company of one or more persons.

There are some penalty increases. The penalty for punishment of stealing a firearm or ammunition is increased. Theft from licensed individuals and firearm dealers is one of the most commonly used contemporary methods to move firearms and firearm components from the legal domestic market on to the illicit firearm market. As reported by ACIC, it is likely that stolen firearms come into the possession of organised crime groups. However, the total number is unknown. The bill increases the penalty for the existing offence of section 398 of the Criminal Code, 'Punishment of stealing'. Under the bill, the maximum penalty for stealing of firearm or ammunition is increased from 10 years imprisonment to 14 years imprisonment. The intent of increasing the maximum penalty is to deter firearm theft from legitimate owners and, ultimately, hamper the number of legally owned firearms entering the illicit firearms market.

The bill increases the penalties for the existing offences of carrying and/or discharging a weapon or firearm in a public place. Under the bill, any person who, without reasonable excuse, carries in a public place a loaded firearm or a weapon capable of being discharged or discharges a weapon in, into, towards, over or through a public place will face a maximum penalty of 10 years imprisonment. The existing provisions will increase from two years to 10 years to bring Queensland in line with other states.

This bill sends a strong message to criminals and organised crime groups that we will not tolerate threatening and intimidating behaviour in Queensland. This bill stands up for community safety and deters individuals from committing weapons offences and other associated crimes. The proposed provisions in this bill will not only recognise the challenges of modern policing but assist police officers in tackling criminals and organised crime groups. Unlike Labor, the LNP will always put the safety of the community before offenders.

I might just go back to the offences relating to resisting arrest. One of the most important functions in our society is for the police to be able to maintain law and order. They do a fantastic job and a dangerous job every day. They have to potentially face people who receive very minor penalties if they own illicit firearms, even if they have used them in violent acts. We want to make sure that when the police turn up to arrest someone it is abundantly clear to that person that if they use their firearm or if they are in possession of a loaded firearm they need to put it down immediately. If they do not, they will have the full force of the Queensland law thrown at them to ensure this does not happen on a repeated basis. Since I have been sitting in this parliament we have lost too many police officers. The tie I wear today commemorates one of their deaths; he was shot whilst trying to make an arrest. This legislation will mean that, if that person had missed, they would still have faced a severe penalty.

First Reading

Mr WATTS (Toowoomba North—LNP) (12.58 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Pugh): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.