




Speech By
Daniel Purdie

MEMBER FOR NINDERRY

Record of Proceedings, 16 July 2020

CORRECTIVE SERVICES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr PURDIE** (Ninderry—LNP) (11.43 am), continuing: In picking up where I left off last night, prison overcrowding does not just mean more assaults; it means prisoners will be returned to the streets without being rehabilitated and more violent than ever. This was confirmed by the Queensland Corrective Services Commissioner, Peter Martin, who in his submission to Taskforce Flaxton said—

Due to the increased prisoner population there are reduced opportunities for prisoners to access necessary rehabilitative programs and services.

I take it that prisoners are still not receiving the full benefits of rehabilitation. The six recommendations of the CCC report being implemented under this bill include authorising the chief executive to require QCS staff to submit to alcohol and drug testing; granting broader powers to search staff working in corrective services facilities; improving property and exhibit management policies and practices to decrease corruption risks; broadening the remit of the ethical standards unit to provide prevention and early intervention, professional standards, integrity policy framework, complaints management, investigation and discipline system; reviewing the service delivery model used to investigate criminal offences in prisons; and addressing the risk of inappropriate relationships between staff and prisoners or offenders. I support the amendments to implement the CCC's recommendations, but these could have come sooner and more still needs to be done.

One of the most contentious parts of this bill is the regulation of gel blasters, which is why the LNP opposes clause 62. Under the bill, Labor proposes to regulate the gel blaster industry by classifying a gel blaster as a restricted item under section 9 of the Weapons Categories Regulation 1997. This means it will be an offence pursuant to section 67 of the Weapons Act to acquire or possess a gel blaster without a reasonable excuse. A person will have a reasonable excuse if they are a member of an association and if the person possesses the firearm for the purpose of taking part in activities of that club. Although the provision does not exclude other circumstances which may constitute a reasonable excuse, the restrictive provisions make it virtually impossible for anyone who is not participating in a club activity to lawfully own a gel blaster.

Before I go on, I reiterate that in 2017 the Magistrates Court in *Comptroller-General of Customs v Clark CFP Pty Ltd* ruled that gel blasters are toys. The magistrate went on to say that, despite their appearance, gel blasters are only capable of firing a water based pellet and should be classified as projectile toys. This means that once these laws are enacted children who live out west on rural properties or in suburbs across Queensland will be criminals for merely possessing a toy. The Palaszczuk Labor government and the police minister have a lot of explaining to do to the families and children of remote and regional Queensland who currently possess gel blasters but who will have to give up the hobby or sport they love. I query whether the police minister even had this conversation with rural and regional Queenslanders. I also query what the Labor government expects owners of gel blasters to do with their gel blaster given that there is estimated to be around 600,000 gel blasters in Queensland and no mention of any proposed buyback scheme.

In a recent answer to a question on notice I asked about gel blasters, the minister admitted that there is no offence for drive-by shootings. They were unable to identify how many drive-by shootings were occurring and if gel blasters were used in any of these crimes or if there was an increase in these offences. A quick Google search failed to identify any media reports of instances of a gel blaster being used, but it did uncover a much more pressing issue. In February 2017, a house at Bethania was fired at with a real gun to intimidate Rebels gang members. In March 2017, a house at Calamvale was peppered with multiple bullets. In July 2018, two Rebels bikies fired a gun at a man outside Woolies at Currimundi Shopping—

Mr DEPUTY SPEAKER (Mr Kelly): Order! Pause the clock. I ask the member to come back to the long title of the bill.

Mr PURDIE: While Labor chooses to pick on innocent children who own toys, the LNP has chosen to pick a fight worth having, that is, to crack down on hard and organised criminals who are violently terrorising this state. The QPS has been lobbying the Labor government for years since COAG acknowledged in 2013 that organised crime and firearm related issues were of considerable concern to all governments and the community and agreed that each state and territory would consider the implementation of additional firearms search powers to target repeat offenders.

Mr RYAN: I rise to a point of order, Mr Deputy Speaker. There is currently a bill before the House—in fact a bill introduced by the LNP—which is on this subject matter. I put it to you that the member is breaching the standing orders by anticipating debate on that bill.

Mr DEPUTY SPEAKER: I will take some advice in relation to that. Yes, there is anticipation, so I ask the member to return to the long title of the bill.

Mr PURDIE: Unlike Labor, the LNP consider real guns with real bullets in the hands of real criminals the problem. The LNP and the gel blaster industry agree that some regulation may be necessary, but the LNP is satisfied that the current laws offer adequate punishment to those who misuse gel blasters. There is a long list of current legislation that police actively use in controlling the misuse of gel blasters. A short list of these examples includes serious offences in the Criminal Code like going armed to cause fear, threatening violence or assault, and more minor offences like public nuisance in the Summary Offences Act.

We know that from December 2017 there have been only 85 offences recorded and 89 persons charged with offences relating to the misuse of gel blasters in Queensland. This represents an extremely small number of those who offend when compared to the estimated 600,000 of those who have bought gel blasters. This takes me to my next point about how this strict regulation will likely cause a significant reduction in revenue to the 150 gel blaster shops across Queensland which would be driven out of business under Labor's changes. Under Labor's laws, there will be less demand for gel blasters.

I am aware that the public consultation on the Queensland government's Have Your Say website ended on 12 March this year. Those results have never been made public, but I am told by the Gel Blaster Association that it was informed the day the consultation period ended that the government had already formed a view. To me it is apparent that Labor did not even bother considering the views of those heavily invested in the industry such as the Gel Blaster Association, which represents over 10,000 members in this state. Stakeholders are clearly upset by the lack of consultation. The Gel Blaster Association commented—

We don't appreciate Minister Ryan and his staff using terms like 'well Nathan and Peter are happy' when that quite simply is not true. We feel as though Mark Ryan has been playing us this whole time and we are not a fan of that at all. We will be fighting his decision.

A petition to parliament titled 'Stop the regulation of gel blaster toys' also highlights the pushback from industry. This petition attracted an outstanding 11,049 signatures. It is obvious this regulation came from the police minister himself and not the Queensland Police Service, like he suggested at every opportunity. The police minister referred to implementing the QPS policy on replica firearms in his explanatory notes. However, in the police minister's ministerial statement this year on 6 February he said—

Last year we witnessed a number of incidents involving the misuse of gel blasters. This concerned many people in the community, so I asked the commissioner to look into what steps could be taken to enhance community safety.

I acknowledge that in his contribution yesterday the minister also acknowledged that these recommendations came at his request. The recommendations, which have subsequently come from the police, are at the direction of the police minister full stop.

I now turn to clause 15. As it stands at the moment, this clause proposes to insert new section 110A into the Corrective Services Act 2006 to provide that the chief executive may order that a prisoner be released from custody within seven days immediately before the day on which the prisoner is to be

released on parole. Labor showed its true colours when back in May it attempted to let prisoners out early on parole as part of its Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020. However, after hours of the *Courier-Mail* making inquiries into the proposed changes, Labor did a complete backflip and announced that it would be scrapping the unpopular policy. This get-out-of-jail-free pass was officially scrapped during consideration in detail, but the LNP had already signalled that it would oppose the amendments. I note and welcome the minister's amendments which will omit this unpopular policy. I thank the minister for listening to the community and the LNP and omitting this clause from the bill.