




Speech By  
**Daniel Purdie**

**MEMBER FOR NINDERRY**

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

 **Mr PURDIE** (Ninderry—LNP) (12.16 pm): I rise to contribute to the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023. I thank the State Development and Regional Industries Committee for their deliberations.

Since 2019, reported knife offences committed by a person under the age of 18 have risen by 22 per cent. In the 2018-19 financial year, 1,784 offences were reported involving minors using knives in the commission of a crime. This has increased to 2,177 reported offences in the 2022-23 financial year. Based on these figures and from desperate pleas from our front line, more police powers are required to fight the escalating youth crime crisis.

At the outset, let me be very clear that the LNP will support any measure to restrict young people's access to dangerous weapons, including knives, which is why we will not be opposing this bill. We support the objective of this bill, to promote community safety and reduce youth offending; however, this bill is yet another missed opportunity from a government in chaos and crisis—a government that likes to talk tough on crime, but yet again its actions speak louder than its words.

I have struggled to find any evidence of how these new laws will correct behaviours, deter or stop young people from carrying knives and using knives, or change the escalating knife culture. While this bill does attract tough penalties for businesses, the only extra power it gives police is to demand the particulars of a person they suspect as being under 18 years of age buying a controlled item, an offence which carries a fine which a young offender will never be compelled to pay.

Getting tough on small business is not the same thing as getting tough on youth crime. Our frontline police have been screaming for backup and calling for stronger laws and more resources, but this legislation falls short. It does nothing to address the cause of knife crime. The bill seeks to strengthen the legislative framework regarding the sale, possession and storage of knives and other dangerous items in an attempt to reduce knife crime and associated youth offending. Despite recent efforts, youth crime hotspots have spread across the state. Queensland's youth crime wave is now a tsunami, drowning communities in fear, robbing lives and destroying families. The government has not increased police resources to address this and, as I mentioned earlier, this legislation does not provide that solution.

As this bill explores, weapons of choice come in many shapes and sizes. In addition to the use of knives in violent crimes, gel blasters have recently been used in armed robberies by young offenders. These are not toys; they are replica firearms and can cause serious psychological harm in the event they are mistaken for genuine firearms. They can result in injury or death. The QPS has reported an increase in the use of these weapons recently in serious crimes by young offenders and I note that they are listed in the bill as a controlled item.

Fear is so prevalent on our streets and in our homes that as a community we are on high alert. At youth crime offender forums held in my electorate of Ninderry last year I heard from a number of residents who have lost all confidence in this government to keep them safe and felt compelled to take things into their own hands in order to feel safe such as night patrols and upgrading CCTV cameras. Communities are paying the price and engaging their own security guards. Our citizens do not feel safe. It is the highest priority of any government to ensure the safety and security of its citizens. If communities across Queensland do not feel safe, it is a failure of this government. More recently, weekend media reported a few days ago that there are street gangs, rap gangs and drill gangs involved in violent suburban turf wars in South-East Queensland which is another growing concern. The shocking scale of the youth crime crisis is discussed daily in our schools, hospitals, police stations, courtrooms, business, sporting and social groups. Families share shocking stories about people they know who have been impacted and, tragically, some families are just left with an empty chair at the evening dinner table and relentless despair.

In January 2022 on the Sunshine Coast Balin Stewart, aged 16, was stabbed to death with a 12-centimetre steak knife outside his home by a 17-year-old male who was known to him. Balin's father, Michael Stewart, told Channel 9 that after the offender's murder charge was downgraded to manslaughter the offender was given a three-year, three-month stint in jail. Mr Stewart said that he and his wife, however, had been sentenced to life for a crime that had taken his son's life. Mr Stewart told Channel 9 that the Queensland youth justice laws have been watered down by Labor since 2015 and, contrary to Labor's claim, Queensland does not have the toughest laws in the country. He said that the same crime in New South Wales would have carried a sentence of 18 years, with nine years served before parole—three times that of Balin's murderer.

Michael Stewart described the court process as bewildering. He said that he and his family were instructed by the court not to wear Balin Stewart Foundation T-shirts which, along with the Bin the Blade for Balin campaign, was all the hope they had left to save another life from knife crime. He told the court in his impact statement that knives are not harmless just because they are not guns and that juveniles wrongly believe that if you get stabbed 20 times you can keep running, just like in the movies. He said he was devastated that the justice system is broken and that it looks after the offender, not the victim. What a shameful indictment of our justice system over which we preside in this House. I also want to pay tribute to the Beaumonts and the Beasley family, whom I acknowledge are here today—I want to acknowledge their fierce advocacy for community safety and to try to reduce knife crime—but they are just two of a long list of families who share horrific commonality with the Stewarts and their collective experience in the tragic loss of a loved one to youth crime and of their experience with Queensland's unjust justice system and the weakness of the laws that underpin it.

Reducing the number of knives landing in the wrong hands is a deceptively simple solution and one that reeks of Labor's efforts in spin and not in change, starting with the definition of what even constitutes a knife. This has not been explicitly defined in the bill, with a lot being left to regulation. The definition of a 'knife' under the law will include kitchen knives and utility knives but will exclude a plastic or wooden knife designed for eating or a knife with a rounded or dull edge such as a butter knife or a cheese knife. The bill stipulates that the definition of a 'controlled item' includes knives other than exempt knives; swords; machetes; axes, including tomahawks; spear guns; spears; and restricted replica firearms such as gel blasters. The bill will prohibit the sale of controlled items to minors and require retailers to display signage advertising the legal prohibition against the sale of controlled items to minors. Prohibition signs must be displayed at every point-of-sale register or at each display.

With regard to the penalties prescribed in the bill, the penalty for selling a controlled item to a minor, except by an employee, ranges from \$21,672 for a first offence to \$65,016 for a third or later offence. The sale of a controlled item by an employee of a commercial seller—mindful that often these employees at some of these retail outlets can be juveniles themselves—could attract a penalty of \$3,096 for the first offence and \$6,192 for a second or later offence.

The bill prohibits a person from falsely representing themselves as 18 years or older to purchase a controlled item and attracts a penalty of \$3,870. The police have been given powers to request ID from a person if they believe they are under 18 and to seize a controlled item if it is found. That is it. That is all for police powers. The bill prohibits controlled items from being sold or advertised in a way that suggests the item is suitable for combat, intended to be used for violence or likely to stimulate or encourage violence or criminal behaviour involving the item. For example, an image of a knife with blood on the blade or words such as 'killer' or 'slayer' on the item, packaging or ad is prohibited. This new offence is designed to combat the notoriety associated with knife possession.

The bill imposes obligations upon suppliers of particular controlled items to safely secure the item at a retail location, in particular daggers that are double edged, knives with a blade at each end, swords, machetes, axes, spears and spear guns. Items must be safely stored in a locked room, cage, cabinet,

container or securely tethered so they can be held and not removed. Commercial sellers must instruct their employees not to sell controlled items to minors and that they are required to sight acceptable evidence of age. Failure to do so will be an offence. The seller must obtain written acknowledgement by the employee that confirms they have received these instructions and warnings.

At the committee inquiry Dominique Lamb, the Queensland Small Business Commissioner, said about the impost on small business—

... a small business that inadvertently sold a knife to a minor would receive a \$21,672 penalty for a first offence. On top of the risk of heavy financial penalties, this may also place a financial burden on small businesses to reach and maintain compliance. For example, some businesses will need to implement secure storage facilities or they may feel compelled to install CCTV to ensure they are able to provide proof that they sighted evidence of age under the defence sections of ... the bill. Unlike larger businesses, small businesses, especially those in the retail industry, generally cannot absorb those additional costs.

There is a lack of evidence as to where the knives come from that are used by offenders—be it from home, online or a store—but nonetheless the QPS has identified that a large number of knives and other weapons are being possessed in public places without reasonable excuse. Noteworthy is the submission to the inquiry by the Queensland Law Society, which recommended research into the cause that drives young people to commit knife crime in the first place. According to Assistant Commissioner Cameron Harsley during the public briefing on the bill, the QPS is particularly concerned that knives are predominantly used in the commission of a violent offence such as assault, robbery and other offences against the person. This has been supported by data collected in the first nine months following the passing of the Police Powers and Responsibilities (Jack's Law) Amendment Bill 2023 during which 435 weapons were seized and 1,148 people were charged with almost 2,055 offences, and this is just from a limited number of isolated places.

There were approximately 20 stakeholders who were targeted for consultation in the consideration of this bill including, but not limited to, Woolworths, Coles, Bunnings, Gel Blaster Association, Gel Blaster Association Inc., the office of the Queensland Small Business Commissioner and, as has been pointed out earlier today, the Beasley family in particular. As I mentioned earlier, the definition of what is and what is not a controlled item was raised by many stakeholders as a potential source of confusion. The Queensland Small Business Commissioner expressed concern for retailers that may be selling a scalpel for doing craft in that it may fall under the definition of a 'shiv' and therefore be considered a controlled item. It also raised concern about the financial impost, particularly on small businesses, to comply with security requirements of the display and storage of a controlled item. Similarly, the definition of 'sell' in the bill does not stipulate if it includes sales made online, at any place other than a retailer and sales outside of Queensland to a person in Queensland. The QPS advised that online commercial sellers are still prohibited from selling a controlled item to a minor and are responsible for instituting appropriate age verification procedures for online transactions.

Essentially, this is about a young person buying any one of these weapons or controlled items online. I am anticipating that, like with Dan Murphy's, you will click a button confirming that you are over the age of 18 and will then have unfettered access to purchasing these items online. I am mindful that a lot of those sellers will be interstate and on a lot of occasions police will not have the capacity or the resources to stop that sale.

The operational and financial impacts on the 49,000 small business retailers in Queensland and the associated penalties for noncompliance with new requirements were seen as heavy by several inquiry participants. If business is to bear the real brunt of the new laws then this bill is limited in its capacity to effect real change.

The QSBC suggested that the QPS take an education-first approach to enforcement and only issue penalties to a small business in the case of repeat breaches or a refusal to comply. In response, the QPS confirmed that it will continue to exercise discretion in the enforcement of these offences and advised that, where appropriate, that may include a verbal warning and educational component. I acknowledge that in his contribution the minister talked about a phased rollout that will include taking industry on the ride with advertising, especially considering the impacts on small businesses in regional communities.

Where is the strong deterrent to stop young people from carrying knives? If caught, a young person will receive either a caution or another compulsory diversion away from the justice system. If sent to court, they will not be compelled to pay unless they admit they have the capacity to do so. However, a small business could face a fine of between \$20,000 and \$60,000.

Sadly, the legislation will not change the behaviour or the culture of young people who carry knives. As crime increases amongst youths, more and more young people are carrying knives for their own personal safety. On the weekend, a senior police officer mentioned to me that we now have good

kids carrying knives to protect themselves from bad kids carrying knives, which is not an ideal situation. They are doing that not necessarily to inflict an injury or commit crimes; just like older residents, they are doing whatever they can to find protection, including isolating themselves from their communities altogether.

Queenslanders are desperately seeking solutions to curb youth knife crime. PeakCare suggested to the committee that prohibition should be complemented by prevention and early intervention strategies to reduce the number of young people carrying controlled items in the first place. We must expand police powers and increase their resources to reverse the current trend in youth crime. In the absence of the LNP's policies and initiatives, I acknowledge this bill as the government's recognition that there is in fact a problem. While limited in its understanding, that has been a long time coming.

The LNP does have a plan to improve community safety. One aspect of it is to reverse the amendments that this government proudly made in 2015 when they watered down the Youth Justice Act. That is why today I will be moving amendments during consideration in detail. The first amendment is to remove detention as a last resort, which this government proudly implemented in 2015. The second amendment is to open the Childrens Court to not only victims and their families but also the media, to let the sunshine in. I call on the government to support these sensible amendments that will improve community safety and help fix the crime crisis facing Queenslanders.