



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

Report No. 54, 57th Parliament  
State Development and Regional Industries Committee  
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## **State Development and Regional Industries Committee**

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### **Acknowledgements**

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The committee also acknowledges the work of the former Member of Ipswich West, Mr Jim Madden during this inquiry before his resignation from the Queensland Parliament in January 2024.

All web address references are current at the time of publishing.

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## Chair's foreword

This report presents a summary of the State Development and Regional Industries Committee examination of the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

This Bill forms one part of the Government's response to preventing knife crime in our communities. By prohibiting the sale of knives and other items to juveniles, we are reducing the accessibility of these dangerous items.

The Bill places a number of requirements on commercial sellers. We understand that this will have an impact on their business operations. Accordingly, we have recommended that the Queensland Police Service develop comprehensive guidance and resource materials, in consultation with the retail sector, to support businesses implement new operational obligations introduced by the Bill. We have also recommended that the Government consider undertaking an education campaign to inform the public and stakeholders about the changes introduced by the Bill.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and participated in the committee's public hearing. I also thank my fellow committee colleagues and secretariat staff.

I commend this report to the House.



Chris Whiting MP

Chair

## Recommendations

<b>Recommendation 1</b>	<b>4</b>
The committee recommends the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 be passed.	4
<b>Recommendation 2</b>	<b>16</b>
The committee recommends that the Queensland Police Service develop guidance and resource materials, in consultation with the retail sector, to support businesses implement new operational obligations introduced by the Bill.	16
<b>Recommendation 3</b>	<b>16</b>
The committee recommends that the Queensland Government consider undertaking an education campaign to inform the public and stakeholders about the changes introduced by the Bill.	16

## Executive Summary

**The committee has recommended that the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 be passed.**

The Bill amends the *Summary Offences Act 2005* (Summary Offences Act) as part of reforms designed to promote community safety, reduce youth offending and minimise the risks associated with knives and other dangerous items. The Bill is designed to reduce knife crime and associated youth offending by strengthening the legislative framework regarding the sale, possession and storage of knives and other dangerous items by:

- prohibiting the sale of knives and other weapons (known as controlled items) to minors
- making it an offence for a person to falsely represent themselves as being over the age of 18 years for the purpose of being sold a controlled item
- requiring retailers to display signage advertising the legal prohibition against the sale of controlled items to minors
- prohibiting 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 violent or criminal behaviour involving the item
- imposing obligations upon suppliers of particular controlled items to safely secure the items at retail locations
- making consequential amendments to support the reforms.

## Stakeholder views

There was broad support amongst Inquiry stakeholders for the objectives of the Bill. Key issues canvassed by the committee included:

- definitions of what is and what is not a ‘controlled item’
- the need for clear guidelines for sellers to assist with meeting any new legislative requirements
- operational and financial impacts on retailers and associated penalties for non-compliance with new requirements
- implementation of a community education campaign to build awareness in the community and with stakeholders regarding any new requirements.

The committee has recommended:

- that the Queensland Police Service develop guidance and resource materials, in consultation with the retail sector, to support businesses implement new operational obligations introduced by the Bill; and
- that the Queensland Government consider undertaking an education campaign to inform the public and stakeholders about the changes introduced by the Bill.

## Legislative compliance

The committee’s deliberations included assessing whether or not the Bill complies with the Parliament’s requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA). The committee was satisfied that potential breaches to fundamental legislative principles were reasonable and sufficiently justified in all cases and that the Bill is compatible with human rights outlined in the HRA.

## 1 Introduction

### 1.1 Policy objectives

The Bill amends the *Summary Offences Act 2005* (Summary Offences Act) and the *Police Powers and Responsibilities Act 2000* (Police Powers and Responsibilities Act) as part of reforms designed to promote community safety, reduce youth offending and minimise the risks associated with knives and other dangerous items.<sup>1</sup>

The Bill is designed to reduce knife crime and associated youth offending and enhance community safety by strengthening the legislative framework regarding the sale, possession and storage of knives and other dangerous items.<sup>2</sup> The Bill does this by:

- prohibiting the sale of knives and other weapons (known as controlled items) to minors
- making it an offence for a person to falsely represent themselves as being over the age of 18 years for the purpose of being sold a controlled item
- requiring retailers to display signage advertising the legal prohibition against the sale of controlled items to minors
- prohibiting 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 violent or criminal behaviour involving the item
- imposing obligations upon suppliers of particular controlled items to safely secure the items at retail locations
- making consequential amendments to support these reforms, such as allowing a police officer to request to see proof of age if they see or reasonably suspect a person under the age of 18 has been sold a controlled item and authorising the police officer to seize the item under certain circumstances.<sup>3</sup>

### 1.2 Knife crime in Queensland

The Deputy Commissioner, Queensland Police Service (QPS) advised that the prevalence of knife crime and youth offending is a serious concern and poses an increased risk to communities throughout Queensland.

The Deputy Commissioner stated:

- Knife related crime in Queensland has increased by 18 per cent since 2019, with 12,865 reported offences in the 2022-23 financial year where a knife was identified as the most serious weapon. However, there has been a greater increase in offences actioned by police against persons under the age of 18 in which a knife has been identified as the most serious weapon involved.<sup>4</sup>
- In the 2018-19 financial year, 1,784 offences were reported involving minors using knives in the commission of criminal acts. This has increased to 2,177 reported offences in the 2022-23 financial year, resulting in a 22 per cent increase over the past five years.<sup>5</sup>

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<sup>1</sup> Explanatory notes, p 1.

<sup>2</sup> Explanatory notes, p 2.

<sup>3</sup> Explanatory notes, pp 1-2.

<sup>4</sup> Queensland Police Service (QPS), Public hearing transcript, Brisbane, 12 December 2023, p 1.

<sup>5</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 1.

- Whilst in some years there has been a decrease in the above figures, overall the number of offences perpetrated by young offenders involving a knife is rising.<sup>6</sup>
- QPS is particularly concerned that knives are predominantly used in the commission of violent offences such as assault, robbery and other offences against the person. In the words of the Deputy Commissioner, ‘it only takes one poor decision, one moment, to end a life and change the lives of countless others’.<sup>7</sup>
- QPS has also identified that a large number of knives and other weapons are being possessed in public places without reasonable excuse.<sup>8</sup>
- Concerns around young offenders using knives and other weapons in the commission of criminal or violent acts is not isolated to Queensland. This is a concern of many jurisdictions, both national and internationally.<sup>9</sup>

### **Committee Comment**

The committee appreciated the presentation and statistics relating to the percentage rise in the number of knife-related offences and feels that the presentation of statistics outlining any changes to the *rates* of knife-related offences over time would have also assisted the committee.

### **1.3 Strategies to prevent knife crime**

This Bill is designed to complement existing strategies to prevent knife crime in Queensland.

In 2023, the Police Powers and Responsibilities (Jack’s Law) Amendment Bill 2023 was passed which extended police powers to allow officers to use handheld metal detectors to detect knives in safe night precincts, on public transport and in public transport hubs throughout Queensland.<sup>10</sup> Belinda Beasley, Jack Beasley Foundation provided statistics from the QPS for the first nine months of the implementation of Jack’s Law:

- 3,994 handheld scanning operations have been conducted
- 435 weapons were seized, while in the two years before that there were 266 weapons seized
- 1,148 people were charged with almost 2,055 offences, and
- 43,461 people have been scanned in safe night precincts and on public transport.<sup>11</sup>

QPS has also implemented several educational campaigns, such as *I live my life...without a knife*.

While there are some indicators of success surrounding these strategies, QPS consider a stronger response is considered necessary to significantly reduce the risks knife crime poses to the community.<sup>12</sup>

### **1.4 Consultation on the Bill**

The Deputy Commissioner stated that targeted consultation occurred with key stakeholders, that there was general support for the initiative and that all feedback was considered as part of the

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<sup>6</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 1.

<sup>7</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 2.

<sup>8</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 2.

<sup>9</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 2.

<sup>10</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 2.

<sup>11</sup> Belinda Beasley, Public hearing transcript, Brisbane 22 January 2024, p 3.

<sup>12</sup> QPS, Public hearing transcript, Brisbane, 12 December 2023, p 2.

development of the Bill.<sup>13</sup> The explanatory notes are silent on organisations consulted during the development of the Bill. QPS stated that retailers consulted included:

Australian Retailers Association; the Australasian Convenience and Petroleum Marketers Association; Master Grocers Association; National Retail Association; Shop, Distributive and Allied Employees Association, Queensland Branch; union of employees; Shopping Centre Council of Australia; Scenic Group; Woolworths; Coles; Bunnings; Business Chamber Queensland; Gel Blaster Association Queensland; Gel Blaster Association Incorporated.; Airsoft Gelball Paintball Association Incorporated; Cairns Gel Blasters Club Incorporated; North Queensland Gel Blaster Owners and Collectors Association; Ausgel International Pty Ltd; and the Office of Queensland Small Business Commissioner.<sup>14</sup>

## **1.5 Legislative compliance**

The committee's deliberations included assessing whether or not the Bill complies with the Parliament's requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).

### **1.5.1 Legislative Standards Act 1992**

Assessment of the Bill's compliance with the LSA included consideration of fundamental legislative principles, which are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. These principles require that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.<sup>15</sup>

Principles considered related to the introduction of new offences and penalties proposed by the Bill; the restriction of ordinary activities due to the Bill's proposals to limit the ability of young people to purchase controlled items; and the delegation of legislative power as the Bill would enable a regulation to prescribe a thing not to be a controlled item. (see Clause 6, section 19E for more detail)

In all cases, the committee was satisfied that potential breaches to fundamental legislative principles were reasonable and sufficiently justified.

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill. The notes contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

### **1.5.2 Human Rights Act 2019**

Assessment of the Bill's compatibility with the *Human Rights Act 2019* (HRA) did not identify any incompatibilities and the committee found that the Bill is compatible with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

## **1.6 Should the Bill be passed?**

The committee is required to determine whether or not to recommend that the Bill be passed.

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<sup>13</sup> Explanatory notes, p 8.

<sup>14</sup> Jessica Mudryk, QPS, Public hearing transcript, Brisbane, 12 December 2023, p 3.

<sup>15</sup> Legislative Standards Act 1992 (LSA), s 4.

**Recommendation 1**

The committee recommends the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 be passed.

## 2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

### 2.1 Prohibiting the sale of controlled items to minors

#### 2.1.1 Background

Clause 6 of the Bill amends the *Summary Offences Act 2005* (Summary Offences Act) to introduce a new division (Offences about selling knives and other controlled items) which prohibits the sale of controlled items to persons under the age of 18.<sup>16</sup>

The QPS confirmed that the prohibition on the sale of controlled items under new proposed section 19G applies to *any person* and is not restricted to commercial sellers.

Therefore, it will be an offence for a person to sell a controlled item to a minor irrespective of whether the item was sold in a private sale, at a local market or by a commercial seller at a retail outlet.<sup>17</sup> The penalty for selling a controlled item to a minor (except by an employee) ranges from 140 penalty units (\$21,672<sup>18</sup>) for a first offence to 420 penalty units (\$65,016) for a third or later offence.<sup>19</sup> The sale of a controlled item by an employee of a commercial seller could attract a penalty of 25 units (\$3,096) for first offence and 40 penalty units (\$6,192) for a second or later offence.<sup>20</sup>

The Bill also prohibits a person from falsely representing themselves as 18 years or older to purchase a controlled item under new section 19N and attracts 25 penalty units (\$3,870).<sup>21</sup>

#### 2.1.2 How is controlled item defined?

The Bill defines a 'controlled item' as:

- (a) means any of the following:
  - i. a knife other than exempt knife
  - ii. a sword, machete, or axe
  - iii. a sickle or scythe
  - iv. a spear-gun
  - v. a spear<sup>1</sup>
  - vi. a restricted item under the *Weapons Act 1990*, section 67 that is a replica firearm under that Act.
- (b) includes a thing prescribed by regulation to be a controlled item, and
- (c) does not include a thing prescribed by regulation not to be a controlled item.<sup>1</sup>

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<sup>16</sup> Bill, cl 6.

<sup>17</sup> QPS, correspondence, 17 January 2024, providing response to issues raised in submissions, p 10; amendment to schedule 2 (Dictionary) at Clause 12, subsection (3)

<sup>18</sup> The value of a penalty unit is \$154.80: Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, ss 5, 5A.

<sup>19</sup> Bill, cl 6 (SOA, new s 19G).

<sup>20</sup> Bill, cl 6 (SOA, new s 19I).

<sup>21</sup> Bill, cl 6 (SOA, new s 19N).

What constitutes a knife has not been defined in the Bill, which means the ordinary meaning will apply.<sup>22</sup> Therefore, it will include items such as kitchen knives, utility knives and hunting or fishing knives.<sup>23</sup> However, the Bill excludes certain knives from this definition by an exemption which is stipulated in the Bill. Exempt knives include:

- a plastic or wooden knife designed to be used for eating
- a knife with a rounded or dull edge (for example, a butter knife)
- a knife designed for use as a cheese knife.<sup>24</sup>

The QPS advised that what constitutes a knife for the purposes of the Bill's provisions 'may be distinguished from the definition of *knife* within section 51 (Possession of a knife in a public place or school) of the *Weapons Act*'.<sup>25</sup>

QPS confirmed that existing section 67 of the *Weapons Act* provides that a person must not, without a reasonable excuse, possess or acquire a restricted item. This provision imposes criminal liability on the individual, regardless of age, who possesses or acquires the restricted item.<sup>26</sup>

This provision can be contrasted with proposed new section 19G (Sale of controlled items to minors) and 19I (Sale by employees of controlled items to minors), which impose criminal liability on the person who sells the controlled item to a minor.<sup>27</sup>

The QPS position is that the two offence provisions are not contradictory and the policy position is reflected in the two offence provisions is a policy decision of government.<sup>28</sup>

The Deputy Commissioner, advised that police officers are aware to ensure that reasonable excuse does not exist before they take action against a person, because should the incident progress to court, the police have to prove that it was not reasonable at the time they took action against the person.<sup>29</sup>

#### Replica firearms

Under section 67 of the *Weapons Act 1990* (*Weapons Act*), a person must not, without reasonable excuse, possess or acquire a restricted item. Restricted items include replica firearms.<sup>30</sup> Replica firearms include life-like toy guns known as Gel Blasters (also known as a gel gun, hydro blaster, or gel ball blaster) that shoot gel pellets, if the design of the item replicates a firearm to the extent that it may be mistaken for a genuine firearm.<sup>31</sup>

The QPS advised that Gel Blasters have been used in the commission of serious offences, including several armed robberies in recent months perpetrated by young offenders, highlighting the need to place greater restrictions on their purchase.<sup>32</sup>

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<sup>22</sup> The Macquarie Dictionary defines knife as: A cutting instrument consisting essentially of a thin blade (usually of steel and with a sharp edge) attached to a handle; a knife-like weapon, a dagger, a short sword; any blade used for cutting, as in tool or machine.

<sup>23</sup> Explanatory notes, p 3.

<sup>24</sup> Bill, cl 6 (SOA, new 19E).

<sup>25</sup> QPS, correspondence, 17 January 2024, p 9.

<sup>26</sup> QPS, correspondence, 17 January 2024, p 2.

<sup>27</sup> QPS, correspondence, 17 January 2024, p 2.

<sup>28</sup> QPS, correspondence, 17 January 2024, p 2.

<sup>29</sup> Deputy Commissioner Harsley, Public hearing transcript, Brisbane, 12 December 2024, p 7.

<sup>30</sup> Weapons Categories Regulation 1997 – REG 9, restricted Items – Act, s67.

<sup>31</sup> Explanatory notes, p 2.

<sup>32</sup> Explanatory notes, p 2.

### 2.1.3 Guidance on what is a controlled item

A common theme raised by Inquiry participants was the need for the publication of comprehensive guidance on what is considered to be a controlled item under the Bill, particularly a knife.

The Shopping Centre Council of Australia (SCCA) recommended that the government provide guidance to ensure that the wide range of affected sellers and retailers (e.g. kitchen and homeware; newsagents and art supplies; supermarkets; department stores; outdoor/camping stores; service stations etc.) are clear as to what is and is not included as part of the proposed new laws.<sup>33</sup>

The Queensland Small Business Commissioner (QSBC) agreed, and stated:

In terms of selling knives, the concern I have is probably for the retailers that are selling things like homewares—knives that an ordinary person would not consider are going to be used in any type of crime. ... They may be selling a scalpel, for instance, that might fall under the definition of ‘shiv’ because they are for doing craft. At the moment when we look at small businesses, particularly news agencies, they have very much branched into giftware.<sup>34</sup>

In response, the QPS confirmed that it will develop resource material to support the implementation of proposed reforms which will be made available to retailers.

The QPS advised that an implementation plan will be developed in consultation with the retail sector and that it is anticipated that the resource material will be able to be used by stores to assist in the training of their personnel and to increase understandings on how the amendments will impact day-to-day business activities.<sup>35</sup>

The QPS also advised that it will be reaching out to stakeholders in the retail sector (e.g. the Australian Retailers Association which has members from a variety of retail outlets) to ensure that an appropriate communication strategy is provided to retailers and the general public.<sup>36</sup>

### 2.1.4 Consequences for young people

The Aboriginal and Torres Strait Islander Legal Service (ATSILS) supported the policy objectives of the Bill however, expressed reservations about the extent of the penalty for false representation of age.<sup>37</sup>

ATSILS supported the concept of a fine, however questioned whether the maximum penalty of 25 penalty units (approximately \$3,870) was appropriate to impose on a child given their limited capacity to be able to pay such a fine. ATSILS observed that fines are rarely imposed upon children for this reason and requested that the penalty be revised.<sup>38</sup>

The Queensland Indigenous Family Violence Legal Service (QIFVLS) were mindful of mistrust and fear among First Nations communities and the police, and had reservations about the potential for increased interactions between police and Aboriginal and Torres Strait Islander youth.<sup>39</sup> QIFVLS recommended appropriate resourcing and funding for a multi-agency co-responder model to ensure a culturally appropriate police presence. This police presence would be supported by a non-law enforcement First Nations response that would take into account situations where police may encounter rough sleepers and/or young people who may be armed. QIFVLS noted the primary purpose

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<sup>33</sup> Shopping Centre Council of Australia (SCCA), submission 4, p 2.

<sup>34</sup> Queensland Small Business Commissioner (QSBC), Public hearing transcript, Brisbane, 22 January 2024, pp 13-14.

<sup>35</sup> Jessica Mudryk, QPS, Public hearing transcript, Brisbane, 12 December 2023, p 3.

<sup>36</sup> Jessica Mudryk, QPS, Public hearing transcript, Brisbane, 12 December 2023, p 3.

<sup>37</sup> Aboriginal and Torres Strait Islander Legal Service (ATSILS), submission 7, p 1.

<sup>38</sup> ATSILS, submission 7, p 2.

<sup>39</sup> Queensland Indigenous Family Violence Legal Service, submission 8, p 3.

for most young people having a knife is not to cause violence, but rather as a safety measure or for food preparation.<sup>40</sup>

The Queensland Law Society (QLS) also reflected on the potential for increased interactions between young people and the police when police officers ask young people, they suspect have purchased a controlled item, for proof-of-age. QLS submitted that coupled with existing offences that cover knife crime, the introduction of further penalties could further entrench a young person in the youth justice and criminal justice system and that the introduction of s 19N is counterproductive.<sup>41</sup>

In response, QPS state that the maximum penalty reflected in the offence provision is a policy decision of the government. However, it is noted that the maximum penalty for this provision is consistent with that of existing section 158 (False representation of age) of the *Liquor Act 1992*.<sup>42</sup>

QLS also submitted that introducing a legislative prohibition on the sale and supply of controlled items to a young person 'is not the appropriate means of achieving the intent of the Bill' and that this approach could lead to unintended consequences and not address the root cause of the conduct it seeks to address.<sup>43</sup>

While the QPS notes this position, the policy position reflected in the Bill is a policy decision of the government.<sup>44</sup>

PeakCare recommended that guidelines be developed regarding how a police officer will form a reasonable suspicion that a person under the age of 18 years has been sold a controlled item.<sup>45</sup> In response, the QPS advised that the development of guidelines will be considered as part of the implementation activities of the QPS.<sup>46</sup>

### **2.1.5 Legislative compliance**

The committee considered several fundamental legislative principles relating to the prohibition of sale of knives to minors.

#### ***2.1.5.1 Restriction of ordinary activities***

As the Bill prohibits minors from purchasing controlled items the committee considered the principle relating to restriction of ordinary activities.

While in most cases minors would not likely have a legitimate need to purchase a knife or other controlled item, it may adversely impact some minors, such as those with a hobby such as spear fishing because they would not be permitted to purchase a spear gun.

The committee also considered the rights and liberties of individuals through the restriction of ordinary activities through the ability of young people to purchase controlled items including gel blasters and spear guns.<sup>47</sup>

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<sup>40</sup> QIFVLS, submission 8, p 3.

<sup>41</sup> Queensland Law Society (QLS), submission 6, pp 2-3.

<sup>42</sup> QPS, correspondence, 29 January 2024, p 2.

<sup>43</sup> (QLS), submission 6, pp 1-2.

<sup>44</sup> QPS, correspondence, 29 January 2024, p 1.

<sup>45</sup> PeakCare, submission 3, p 5.

<sup>46</sup> QPS response to submissions, 17 January 2024.

<sup>47</sup> Also potentially other items, including those which are currently listed as 'exempt knives. The Bill would enable a regulation to effectively broaden or narrow the definition of 'controlled item'.

*2.1.5.2 Delegation of legislative power – definition of ‘controlled item’*

Whether a Bill has sufficient regard to the institution of Parliament depends on whether the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons.<sup>48</sup>

The Bill would enable a regulation to prescribe a thing to be a ‘controlled item’, including a thing that is an ‘exempt knife’.<sup>49</sup> It would also enable a regulation to prescribe a thing not to be a ‘controlled item’.<sup>50</sup> If a regulation is made, it must be tabled in the Legislative Assembly and may be subject to disallowance, but it would not undergo the more thorough scrutiny afforded to Bills.

The explanatory notes do not address this matter. QPS advised that this approach enables items can be prescribed or not prescribed as controlled items as an identified future need arises.<sup>51</sup>

*2.1.5.3 Penalties*

The committee also considered the penalties from a fundamental legislative principle perspective.

The sizeable maximum penalty for an initial offence of selling a controlled item to a minor and the much larger maximum penalties for subsequent offences are clearly intended to deter sellers from selling controlled items, with a view to achieving the objectives of the Bill. Nevertheless, these penalties, and others in the Bill, if a person is found liable, could be more burdensome for sole traders and other small business owners than larger commercial sellers, and could impact the viability of businesses.<sup>52</sup>

Regarding the impact on employees, rather than commercial sellers, importantly there are protections built into the Bill for employees who sell controlled items, including exemptions from some offences,<sup>53</sup> requirements for employers to instruct their employees regarding the sale of controlled items,<sup>54</sup> and a defence is available to employees to the offence of selling a controlled item to a minor.

The explanatory notes seek to justify the appropriateness and reasonableness of the penalties in the Bill on the grounds that they reflect the seriousness of the offences, provide a necessary deterrent, and safeguards are provided for employees.<sup>55</sup> Elsewhere, the explanatory notes state that, unlike more serious criminal offences that may result in imprisonment, the maximum penalty for selling a controlled item to a minor ‘is confined to a financial penalty which is proportionate to the offence’.<sup>56</sup>

**Committee comment**

The committee is satisfied that an appropriate balance has been struck in the Bill between seeking to achieve the aims of promoting community safety and reducing youth offending and the restrictions that would be imposed on minors.

The committee is satisfied with the appropriateness of the delegation of legislative power that would effectively enable the definitions of ‘controlled items’ and ‘exempt knife’ to be amended by regulation. However, the committee also notes that there will be continued requests and queries by stakeholders over what items are precisely covered by this legislation.

<sup>48</sup> LSA, s 4(4)(a).

<sup>49</sup> Bill, cl 6 inserts SOA, new s 19E, definition of ‘controlled item’; Bill, cl 11 inserts SOA, new s 49(2).

<sup>50</sup> Bill, cl 6 (SOA, new s 19E).

<sup>51</sup> Jessica Mudryk, QPS, Public hearing transcript, Brisbane, 12 December 2023, p 5.

<sup>52</sup> The Queensland Small Business Commissioner (QSBC) submitted that the ‘heavy penalties’ in the Bill would be ‘financially onerous and impact small business viability’: QSBC, submission 2, p 3.

<sup>53</sup> See, for example, clause 6 which inserts proposed new 19G(2) in the SOA.

<sup>54</sup> Bill, cl 6 (SOA, new s 19H).

<sup>55</sup> Explanatory notes, p 6.

<sup>56</sup> Explanatory notes, p 7.

We feel it is important the Queensland Police Service and the government keep refining and improving their communication resources to address any confusion or concerns.

The committee is satisfied that the Bill's penalties are reasonable and proportionate, given the nature of the offences and the danger that controlled items pose to the community. The committee welcomes assurances from the Queensland Police Service that they will exercise discretion in the enforcement of offences and that they plan to take 'an eased approach to enforcement'. The committee notes that the offences and penalties proposed are consistent with those already contained in the SOA for mirror offences relating to the sale of spray paint to minors.

## 2.2 New obligations for commercial sellers

Clause 6 of the Bill makes commercial sellers and their employees each liable for an offence if they sell a controlled item to a minor, under new section 19G. A defence for the offences will be available to sellers where the person can prove that they sighted acceptable evidence of age and had no reason to believe the evidence produced was false.<sup>57</sup>

The Bill also requires commercial entities to:

- display clearly visible signs advising the sale of controlled items to a person under 18 years is prohibited – 20 penalty units (\$3,096)<sup>58</sup>
- secure particular controlled items under section – 50 penalty units (\$7,740)<sup>59</sup>
- refrain from selling a controlled item that indicates or suggests the item is suitable for combat or intended to be used for violence or is likely to stimulate or encourage violent behaviour - 25 penalty units (\$3,870)<sup>60</sup>

Commercial sellers will also be responsible for ensuring they instruct their employees about the prohibition on the sale of controlled items to minors and the requirement that they sight acceptable evidence of age before selling a controlled item, unless satisfied that the person is an adult under section 19H of the SOA.<sup>61</sup>

Commercial sellers must also warn employees of the legal consequences of disregarding these instructions and that the employee may commit an offence against 19I of the SOA. A commercial seller must obtain the written acknowledgement by the employee that confirms the employee has received these instructions and warning. Failing to fulfil these obligations may result in the commercial seller committing an offence against this section and be liable to a maximum penalty of 40 penalty units.<sup>62</sup>

### 2.2.1 Operational and financial impacts

The QSBC submitted that while her office appreciated the objectives of the Bill, there were some reservations about the time and financial imposts on small businesses due to the additional regulatory requirements, adding that it is imperative that small businesses are well supported to comply with new reforms, and that they are provided with a reasonable lead in time to both understand and implement them.<sup>63</sup>

The QSBC discussed the administrative impacts associated with the various requirements to instruct employees about the sale of controlled items, display prohibition signs and secure particular

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<sup>57</sup> Explanatory notes, p 3.

<sup>58</sup> Bill, cl 6 (SOA, new s 19K).

<sup>59</sup> Bill, cl 6 (SOA, new s 19L).

<sup>60</sup> Bill, cl 6 (SOA, new s 19M).

<sup>61</sup> Explanatory notes, p 3.

<sup>62</sup> Explanatory notes, p 3.

<sup>63</sup> QSBC, submission 2, p 5.

controlled items. The QSBC suggested that small businesses be given a minimum of six-months to comply any new reforms. The Woolworths Group agreed with the recommendation of a transition period in order to effectively implement the proposed amendments in the Bill.<sup>64</sup>

The QPS notes the recommendation for a transition period. Clause 2 of the Bill provides that the amendments in the Bill are to commence on a date to be fixed by proclamation.<sup>65</sup>

The QSBC highlighted that some small businesses struggle to stay across emerging regulatory requirements, and may inadvertently not comply with the new reforms due to a lack of awareness or misunderstanding.<sup>66</sup>

The Woolworths Group suggested new section 19H of the Bill, should allow for 'written acknowledgement' to be provided electronically, using an acknowledgement checkbox as this electronic option streamlines the administrative process and enhances retailers' ability to monitor and ensure compliance with the Bill.<sup>67</sup>

In response, QPS state that under Schedule 1 'Meaning of commonly used words and expressions' in the *Acts Interpretation Act 1954*, reference to *writing* includes any mode of representing or reproducing words in a visible form. Therefore, the requirement for a commercial seller to obtain written acknowledgement by the employee that the employee received the instructions and warning mentioned in the new proposed section 19H(a) and (b) would be met by the commercial seller obtaining electronic acknowledgement.<sup>68</sup>

### 2.2.2 Guidance materials

To aid commercial sellers adopt any new reforms, the QSBC recommended that clear guidelines be provided to impacted small businesses to help them comply with the new requirements.<sup>69</sup>

Further, while some retailers are experienced in requesting and verifying proof-of-age (such as those who sell liquor and tobacco products), for many retailers this requirement will be entirely new to them and their staff. The QSBC recommended that the government fund staff training on verifying proof-of-age for impacted small businesses.<sup>70</sup>

The SCCA agreed and recommended that the government develop educational material providing clarity of key definitional and operational obligations and requirements. The SCCA also suggested that a community awareness campaign across general and targeted media, including social media, was necessary and that shopping centre digital screens could be used as part of any campaign. The SCCA proposes the government establish a working group of affected stakeholders, including themselves, to ensure the law is transitioned and implemented effectively.<sup>71</sup>

In response, QPS advised that should the Bill be passed, reforms will commence on a date to be fixed by proclamation and that this will ensure sufficient time is provided for all implementation activities. This may include: providing training to police officers and commercial sellers; introducing revised procedures; staff training; and alterations to retail outlets that may be necessary.<sup>72</sup>

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<sup>64</sup> Woolworths Group, submission 9, p 1.

<sup>65</sup> QPS, correspondence, 29 January 2024, p 3.writ

<sup>66</sup> QSBC, submission 2, p 3.

<sup>67</sup> Woolworths Group, submission 9, p 1.

<sup>68</sup> QPS, correspondence, 29 January 2024, pp 3-4.

<sup>69</sup> QSBC, submission 2, p 3.

<sup>70</sup> QSBC, submission 2, p 3. QSBC, public hearing transcript, Brisbane, 22 January 2024, p 9.

<sup>71</sup> Shopping Centre Council of Australia (SCCA), submission 4, pp 3, 12.

<sup>72</sup> QPS, correspondence, 17 January 2024, p 7.

The QPS clarified the provision of financial assistance to support the training of staff regarding verifying proof-of-age requirements is a decision for government. However, the QPS will develop and provide further resource material regarding the amendments in the Bill which may assist with staff training.<sup>73</sup>

### **2.2.3 Displaying prohibition signs**

The QSBC is concerned about the requirement to display prohibition signage at each place the controlled item is displayed or at each point of sale. The QSBC recommended that clear guidelines be provided to impacted small businesses to help them comply with the new requirements. In addition, the heavy penalties will be financially onerous and impact small business viability, so the QSBC recommends that QPS take an education-first approach to enforcement of section 19K.<sup>74</sup>

In response the QPS explained that whilst this provision requires a commercial seller to display prohibition signs at the seller's retail outlet, the seller is provided with some flexibility and choice regarding how the signs are displayed. The sign must be clearly visible to a person purchasing or viewing the item and can either be placed: a) at each place where a controlled item is displayed at the outlet; or b) at each point of sale at the outlet.<sup>75</sup>

The QPS advised that this provides sellers with some flexibility regarding the most appropriate placement of the prohibition signs.<sup>76</sup>

The QPS<sup>77</sup> also advised that the signing requirements will be prescribed by regulation and may include the required wording, dimensions, and formatting of the sign. Clear guidelines will be provided to businesses to assist them to comply with the new requirements.

### **2.2.4 Penalties**

Several Inquiry participants reflected on the extent of the penalties. The QSBC suggested that the QPS take an education first approach to enforcement of sections 19G and 19I, and only issue penalties to small businesses in the case of repeat breaches by a business, or a refusal by a business to comply.<sup>78</sup>

In response, QPS confirmed that it will continue to exercise discretion in the enforcement of these offences and advised that 'where appropriate, this may include a verbal warning and educational component'. The QPS also acknowledged that smaller retailers may need more education on how to store 'knives' and the potential danger to themselves when displaying and selling knives to people with criminal intent. The QPS plan to take 'an eased approach to enforcement'.<sup>79</sup>

The QPS<sup>80</sup> also stated that the maximum penalties reflected in the two offence provisions are a policy decision of the government.

### **2.2.5 Defence for persons and employees**

Clause 6 of the Bill provides a defence for persons and employees to the offence of the sale of a controlled item to a minor. The defence applies if the person or employee can prove they required the minor to provide acceptable evidence of age (showing the minor was not a minor), the minor

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<sup>73</sup> QPS, correspondence, 17 January 2024, p 6.

<sup>74</sup> QSBC, submission 2, p 3.

<sup>75</sup> QPS, correspondence, 17 January 2024, pp 4-5.

<sup>76</sup> QPS, correspondence, 17 January 2024, p 5.

<sup>77</sup> QPS, correspondence, 17 January 2024, p 5.

<sup>78</sup> QSBC, submission 2, p 3.

<sup>79</sup> Deputy Commissioner Harsley, QPS, Public hearing transcript, Brisbane, 12 December 2023, p 3.

<sup>80</sup> QPS, correspondence, 17 January 2024, p 3.

provided it, and there was no reason to believe the evidence was false. The onus is on the person or employee to prove the requisite elements to establish the defence.<sup>81</sup>

The QSBC reflected on the potential administrative burden required to not only collect this evidence in the first place but to store it for an amount of time in case it is required. QSBC submitted that it is important to note that many small businesses do not have video surveillance (CCTV) installed on their premises or the ability to maintain copies of CCTV footage for extended periods. The QSBC recommended that clarity be provided as to what kind of material or procedures will constitute proof under the Bill.<sup>82</sup>

In response, the QPS confirmed that evidence available to successfully raise the defences in proposed new sections 19G (Sale of controlled items to minors) and 19I (Sale by employees of controlled items to minors) will depend upon the individual circumstances of each case.<sup>83</sup> However, such factors may include: CCTV footage; statements by the person who sold the item attesting that the purchaser's age had been verified; and internal records for the sale attesting the purchaser's age had been verified.<sup>84</sup>

The QPS also confirmed that proceedings for these offences are summary proceedings under the *Justices Act 1886*, and proceedings for the offence must be commenced within 1 year from the time when the matter of complaint arose.<sup>85</sup>

### **2.2.6 Secure storage requirements of particular controlled items**

Clause 6 of the Bill introduces new provisions that impose secure storage requirements for sellers of particular controlled items. These items include a dagger that is a double-edged blade, knives with a blade at each end, a sword, machete, axe (including a tomahawk), sickle or scythe, spear, spear-gun, and a bladed item prescribed by regulation.<sup>86</sup>

The QSBC submitted that this new obligation could pose operational challenges for small businesses, particularly those with limited space and resources and potentially affect their daily operations.<sup>87</sup> The QSBC also noted that investing in secure storage solution imposes additional financial burdens on small businesses, impacting their bottom line.

The Woolworths Group submitted that the Bill should allow for tamper-proof packaging as a suitable means of securing controlled items, recognising the challenges associated with having products in locked cabinets or tethered whilst on display. The Woolworths Group have worked with manufacturers to introduce tamper-proof packaging for items such as knives and scissors, offering a practical and accessible way of securing these products whilst on display. This is their preferred method of securing these items as it balances visibility for customers with enhanced security from manufacture to the final destination.<sup>88</sup>

The QPS state that for the purposes of section 19L (Commercial seller must secure particular controlled items), *securely stored* means:

- a) Stored in a locked room, cage, cabinet or container; or
- b) Securely tethered.

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<sup>81</sup> Explanatory notes, p 7.

<sup>82</sup> QSBC, submission 2, p 2.

<sup>83</sup> QPS, correspondence, 17 January 2024, pp 3-4.

<sup>84</sup> QPS, correspondence, 17 January 2024, p 4.

<sup>85</sup> QPS, correspondence, 17 January 2024, p 4.

<sup>86</sup> Explanatory notes, p 4.

<sup>87</sup> QSBC, submission 2, p 3.

<sup>88</sup> Woolworths Group, submission 9, p 2.

It is the QPS position that the provision, as drafted, is sufficiently broad to allow for the secure storage of controlled items in a container.<sup>89</sup>

The QSBC recommended clear guidelines and educational support to assist small business owners in understanding and complying with the new secure storage requirements. These resources need to outline practical and cost-effective approaches to providing secure storage, along with guidance material to assist small businesses in implementing the reforms.

The QSBC also recommended that a rebate or grant funding be provided to small business retailers to help offset the cost impacts and minimise the financial burden on small businesses.<sup>90</sup> The SCCA agreed, noting that costs of implementation could run into the thousands of dollars and noted challenges around obtaining industry capability (e.g. materials, labour) to install relevant storage.<sup>91</sup>

In response, the QPS noted that the new provision provides some flexibility to sellers regarding how the item is to be stored, as the item can be securely stored by – a) storing the item in a locked room, cage, cabinet or container; or b) securely tethering it.

Through consultation with major stakeholders, QPS found that many retailers already implement measures where they are ensuring dangerous items are locked up and secured appropriately. The proposed amendments will ensure that ‘great practice’ is utilised across the state.<sup>92</sup>

The QPS<sup>93</sup> clarified that provision of financial assistance to support compliance with the new secure storage requirements is a decision for government. However, the QPS will develop and provide further resource material regarding the amendments in the Bill which will communicate storage options to retailers.<sup>94</sup>

### **2.2.7 Education campaign to inform public of new requirements**

The QSBC recommended reforms be accompanied by an education campaign to inform the public about the changes and encourage the respectful treatment of retail staff.<sup>95</sup> The Small Business Commissioner stated:

I am concerned that by enforcing these requirements—for example, requesting ID or denying sale to a minor—the incidence of abuse against small businesses may increase. I note that most retail workers—I think it is 75 per cent—are aged between 15 and 25, so they are young people. It is for this reason that my office recommends that the Bill is accompanied by an education campaign and Queensland government point-of-sale signs to inform the public about the changes and support the respectful treatment of retail staff, and that the Queensland government provides free guidance material and training for small businesses in relation to de-escalation and managing staff abuse incidents.<sup>96</sup>

The SCCA also asked for the government to work with 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’.<sup>97</sup>

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<sup>89</sup> QPS, correspondence, 29 January 2024, p 4.

<sup>90</sup> QSBC, submission 2, p 4.

<sup>91</sup> SCCA, submission 4, p 3.

<sup>92</sup> Jessica Mudryk, QPS, Public hearing transcript, Brisbane, 12 December 2023, p 3.

<sup>93</sup> QPS, 17 January 2024, p 10.

<sup>94</sup> QPS, 17 January 2024, p 9.

<sup>95</sup> QSBC, submission 2, p 4.

<sup>96</sup> QSBC, Public hearing transcript, Brisbane, 22 January 2024, p 10.

<sup>97</sup> SCCA, submission 4, p 3.

In response, the QPS noted this position and undertook to work alongside the retail sector to communicate these reforms to customers and the public and support the respectful treatment of retail workers.<sup>98</sup> The QPS also noted that proposed new section 19K (Commercial sellers must display prohibition signs) will assist in communicating the reforms by requiring signage at all retail outlets which sell controlled items, thereby informing customers of the restrictions of sale.<sup>99</sup>

### 2.2.8 Definition of a commercial sellers and electronic sales

Several Inquiry stakeholders called for more information on the definition of a commercial seller, including how any require requirements would apply to online retailers.

The SCCA asked whether the definition includes online platforms, as well as 3rd party platforms and online platforms that are not based in Queensland but sell products accessible by Queenslanders. The SCCA recommended the government ensure that the definition of commercial seller includes sellers in locations such as markets, including local and other markets.<sup>100</sup>

In response, QPS explained that ‘commercial seller’ means someone who, in trade or commerce, sells controlled items to the public, but does not include a person who sells controlled items to the public only as an employee.<sup>101</sup> Whether the seller of a controlled item is considered a commercial seller depends on the individual circumstances of the activity. For example, the frequency and regularity of sales and intention of the seller may be relevant.<sup>102</sup>

The QPS emphasised that the prohibition on the sale of controlled items under the proposed new section 19G applies to any *person* and is not restricted to commercial sellers. Therefore, it will still be an offence for a person to sell a controlled item to a minor irrespective of whether the item was sold in a private sale, at a local market or by a commercial seller at a retail outlet. It will also be an offence for a person based outside of Queensland, to sell a controlled item to a minor in Queensland, even if the person is not a commercial seller.<sup>103</sup>

The Jack Beasley Foundation requested clarification on how proposed new sections 19K (Commercial sellers must display prohibition signs) and 19N (False representation of age) will be applied in electronic commerce and third-party online purchases.<sup>104</sup>

The QPS confirmed that the requirement to display prohibition signs under the new proposed section 19K does not apply to online transactions. This provision applies to sales conducted by a commercial seller at a retail outlet, meaning a premises where controlled items are available. However, 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 transitions.<sup>105</sup>

The QPS advised that there are several methods of online age verification available, and the seller retains the discretion to use the most appropriate method for their business.<sup>106</sup>

Clause 9 of the Bill defines *acceptable evidence of age*:

- a) a document that –
  - i. is a drivers licence, proof of age card or an Australian or foreign passport; and

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<sup>98</sup> QPS, correspondence, 17 January 2024, p 6.

<sup>99</sup> QPS, correspondence, 17 January 2024, pp 4-5.

<sup>100</sup> SCCA, submission 4, p 2.

<sup>101</sup> QPS, correspondence, 17 January 2024, p 9.

<sup>102</sup> QPS correspondence, 17 January 2024, p 9.

<sup>103</sup> QPS correspondence, 17 January 2024, p 10.

<sup>104</sup> Jack Beasley Foundation, submission 5, p 4.

<sup>105</sup> QPS, correspondence, 17 January 2024, p 10.

<sup>106</sup> QPS, correspondence, 17 January 2024, p 4.

- ii. bears a photograph of the person; and
  - iii. indicates by reference to the person's date of birth or otherwise that the person has attained a particular age; or
- b) a digital authority that complies with paragraph (a)(ii) and (iii); or
- c) a digital evidence of age; or
- d) a digital evidence of identity.<sup>107</sup>

If a person falsely represents themselves as having attained the age of 18 years for the purpose of being sold a controlled item, even if this representation occurs in an online forum, they may be liable for committing an offence under the new proposed section 19N (False representation of age).

That said, the QPS confirmed that their priority will be to get the 'knives off the street or stop the young person's access to the knife ... rather than tracking down people selling knives – people internationally or in other states.'<sup>108</sup>

### **Committee comment**

The committee acknowledges the devastating impacts that knife crime has on the Queensland community. A strong response is needed, and this Bill takes an important step to address the increasing trend of knife crimes being committed by minors. We are satisfied that measures proposed in this Bill which prohibit the sale of knives by any person to a minor are relevant and appropriate and have recommended that the Bill be passed.

Inquiry participants expressed broad support for the intent of the Bill. However, we do acknowledge the additional obligations on businesses selling controlled items. Accordingly, we have recommended that comprehensive guidance be provided to the retail sector to ensure that they can easily understand and implement any new requirements.

We have noted assurances from the Queensland Police Service that guidance materials will be developed and we encourage the Queensland Police Service to consult widely with the retail sector in developing these resources.

We are also of the view that an education campaign to inform the public about the reforms should be undertaken. Not only will this send a strong message around knife crime, it will help ensure young people are aware of the prohibition and assist in the potential in the respectful treatment of retail staff selling controlled items.

### **Recommendation 2**

The committee recommends that the Queensland Police Service develop guidance and resource materials, in consultation with the retail sector, to support businesses implement new operational obligations introduced by the Bill.

### **Recommendation 3**

The committee recommends that the Queensland Government consider undertaking an education campaign to inform the public and stakeholders about the changes introduced by the Bill.

## **2.3 Issues outside of scope of Bill**

Inquiry participants raised a number of issues that are beyond the scope of the Bill but may warrant further consideration.

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<sup>107</sup> Bill, cl 9.

<sup>108</sup> Deputy Commissioner Harsley, Public hearing transcript, Brisbane, 12 December 2023, p 5.

### 2.3.1 Controlled items concealed in public places

The Shopping Centre Council of Australia (SCCA) reported that staff are increasingly finding ‘controlled items’ including knives and other weapons concealed in places such as plants and planter boxes at shopping centres. In addition to prohibiting the sale of knives and gel blasters to young people, the SCCA believe that such deliberate concealment of ‘controlled items’ should also become a specific offence.<sup>109</sup>

SCCA suggests that such an offence could be based on similar principles to the Bill, and could be limited (if required) to public places such as shopping centres. In their view, any person who deliberately conceals knives and weapons is doing so to potentially undermine Jack’s Law.<sup>110</sup>

### 2.3.2 Other prevention and early intervention strategies

The Queensland Law Society (QLS) recommended a review of the *Police Powers and Responsibilities (Jack’s Law) Amendment Act 2023* to evaluate its effectiveness in reducing knife crime; alternatives to the criminalisation of young people; and research into the causes that drive young people to commit knife crime.<sup>111</sup>

The QPS note in the Explanatory Speech upon the introduction of Jack’s Law by the Honourable Mark Ryan MP, in his then capacity of Minister for Police and Corrective Services and Minister for Fire and Emergency Services, the government will be undertaking a further independent review of Jack’s Law.<sup>112</sup>

PeakCare suggested that prohibiting the sale of knives and other weapons to young people should be complemented by prevention and early intervention strategies to reduce the number of young people carrying controlled items.<sup>113</sup> Strategies included:

- consulting with young people in Queensland about the reasons they own or carry knives and the potential impacts of this legislation on their perception of personal safety within the community
- viewing the results of the consultation with young people through an exploitation lens and addressing the influence of adults on young people carrying weapons, for example, young people’s connection with organised crime networks such as Outlaw Motorcycle Gangs
- resourcing the non-government sector to work with young people to develop pro-social strategies to feel safe in the community without carrying a knife
- continuing to gather data about the demographics of young people being ‘wanded’ by police and those found to have been carrying knives on public transport or in safe night precincts under Jack’s Law, to ensure young people are not being targeted based on any race or cultural identification and to target programs to those most likely to engage in knife crime;<sup>114</sup> and
- exploring evidence-based intervention programs from other locations such as the ‘No Knives, Better Lives’ (NKBL) program, developed by the Scottish Violence Reduction Unit. This intervention, which targeted young people involved in knife crime, has been linked to an 85 per

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<sup>109</sup> SCCA, submission 4, p 2.

<sup>110</sup> SCCA, submission 4, p 2.

<sup>111</sup> QLS, submission 6, p 2.

<sup>112</sup> QPS, correspondence, 29 January 2024, p 1.

<sup>113</sup> PeakCare, submission 3, p 4.

<sup>114</sup> “Some officers, who were interviewed as part of the review, had ‘looked for groups of young people of certain ethnic backgrounds that they believed had been found with edged weapons previously’”. 5722T1863- 952D.pdf (parliament.qldab.au)

cent reduction in the number of individuals under 18 convicted of handling an offensive weapon, as well as a wider fall in violent crime.<sup>115</sup>

In response QPS advised that a number of intervention, diversionary and rehabilitation programs existing to deter young people from offending. Some of the programs include:

- The Youth Co-Responder Teams (YCRT) across Queensland. The YCRT is an initiative which brings together a police officer and youth justice worker to proactively engage at-risk young people and their families and refer them to services to address the underlying issues contributing to their offending behaviour
- The expansion of Intensive Case Management which targets chronic young offenders aged 13 to 17 years and their families to help break the cycle of crime
- On Country programs providing culture-based rehabilitation for young First Nations people.

Additionally, QPS continues to operate Project Booyah, a QPS-led early intervention youth mentoring program, which aims to re-engage at risk young people with family, communities and education opportunities to re-direct their future.

The QPS also continues to gather and monitor data regarding the use of handheld scanners to ensure the use of these powers remains appropriate.<sup>116</sup>

#### **Committee comment**

The committee appreciated the insight of the many knowledgeable witnesses and submitters to the Bill, and paid close attention to what they had to say. In particular, we feel there is merit in the government exploring options to develop the law in regards to the concealment of weapons outside of the person. We draw attention to the examples provided by witnesses of weapons being concealed in easily accessible places within shopping centres such as plant pots and bins.

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<sup>115</sup> Skott, S., & McVie, S. (2019). Reduction in homicide and violence in Scotland is largely explained by fewer gangs and less knife crime. In Applied quantitative methods network research briefing 13. Edinburgh: University of Edinburgh.

<sup>116</sup> QPS correspondence, 17 January 2024, pp. 7-8.

## Appendix A – Submitters

<b>Sub #</b>	<b>Submitter</b>
1	Name Withheld
2	Queensland Small Business Commissioner
3	PeakCare Queensland
4	Shopping Centre Council of Australia
5	Jack Beasley Foundation
6	Queensland Law Society
7	Aboriginal and Torres Strait Islander Legal Service
8	Queensland Indigenous Family Violence Legal Service
9	Woolworths Group

## **Appendix B – Officials at public departmental briefing**

### **Queensland Police Service**

- Deputy Commissioner Cameron Harsley, Regional Services
- Michael Shears, Director, Strategic Policy and Legislation
- Jessica Mudryk, Acting Principal Strategy Officer, Strategic Policy and Legislation

## **Appendix C – Witnesses at public hearing**

### **Jack Beasley Foundation**

- Belinda Beasley, Executive Board Member
- Sam O'Connor MP, Executive Board Member

### **Queensland Law Society**

- Damian Bartholomew, Chair of the QLS Children's Law Committee

### **Office of the Queensland Small Business Commissioner**

- Dominique Lamb, Small Business Commissioner

### **Shopping Centre Council of Australia**

- Angus Nardi, Executive Director