

21 December 2023

Our ref: [LP:MC]

Committee Secretary
State Development and Regional Industries Committee
Parliament House
George Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary

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

Thank you for the opportunity to provide feedback on the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 (**Bill**). The Queensland Law Society (**QLS**) appreciates being consulted on this important piece of legislation.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This response has been compiled with the assistance of QLS's Children's Law Committee whose members have substantial expertise in this area.

Introductory comments

The Queensland Law Society understands the devastating impact that knife crime has on the Queensland community. We acknowledge all those who have been impacted by knife crime and crime in general. We note the Explanatory Notes to the Bill which posit that knife crime involving adults and children and young people have increased by 18% and 22% respectively. We are supportive of evidence based measures that seek to reduce the incidence of knife crime by both adults and children, thereby enhancing community safety.

We note that *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* was enacted earlier this year. This legislation significantly expanded police search powers. The Explanatory Notes state that this legislation, in addition to the Queensland Police Service educational campaigns, "I live my life...without a knife" have been successful. We note the August 2022 Griffith Criminology Institute report into the Review of the Queensland Police Service Wandering Trial. This project evaluated the first 12 months of the wandering trial, which

took place in two safe night precincts (SNPs) at the Gold Coast from 1 May 2021 to 30 April 2022. This period of time overlapped with COVID-19 pandemic. Therefore, the Society proposes that a review into the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* be conducted to evaluate the effectiveness of the legislation reducing the incidence of knife crime since the introduction of the legislation.

The Society suggests that further consideration needs to be taken into account as to causes which drive children and young people to purchase knives. This must include analysis into measure to make children feel safe in their communities, including stable housing. In addition, alternatives to criminalisation should be investigated as the research indicating the criminogenic nature of detention has been widely published.

Response to specific clauses in the Bill

The stated aims of this Bill include: (i) advance essential reforms designed to promote community safety; (ii) reduce youth offending; and (iii) minimise the risks associated with knives and other dangerous items. The proposed reforms seek to achieve this by, inter alia, 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 and criminalising the sale and supply of controlled items.

QLS makes the following comments in relation to the Bill.

- (1) There is no conclusive evidence that this type of legislation will be effective in terms of the objective that it is trying to achieve. Instead, this approach will lead to unintended consequences and will not address the root cause of the conduct it seeks to address. The evidence shows that the mechanisms to achieve the objective involves supporting families and young people and diverting children and young people into positive programs.
- (2) There are currently two offences that already cover knife crimes, one in section 51 of the *Weapons Act 1990* (Qld), which prohibits possession of a knife in a public place or school without a reasonable excuse and the other being, section 15 (1c) of the *Summary Offences Act 2005* (Qld) that prohibits a person from carrying an implement that is being, or is to be, used to unlawfully injure a person.
- (3) Crime statistics can only provide a guide to actual offending. It is equally as important to consider the demographic characteristics of those offenders that inform those statistics. To this end, research shows that the following characteristics are common among knife offenders:
 - (i) low-socio economic status;
 - (ii) ongoing experience of homelessness;
 - (iii) aged between 14 – 17 years, or otherwise under the age of 18 years;
 - (iv) male.¹
- (4) Coupled with the broadening of stop and search powers, the introduction of section 19N in clause 6 of the Bill will have a net widening effect. In turn, compounding the penalties and further entrenching the young person within the youth justice and criminal justice

¹ New South Wales Sentencing Council, *Weapons-related offences: sentencing adult offenders* (Consultation Paper, September 2023) 111.

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systems. In this way, it is arguable that the introduction of section 19N is counterproductive, as it merely results in an additional charge being brought against a young person, or even, an escalation of a negative police interaction.

- (5) Introducing a legislative prohibition on the sale and supply of controlled items to young people is not the appropriate means of achieving the intent of the Bill. It is important to consider the particular framing of obligations imposed on retail providers that will be captured by the Bill and the potential that it will make the proposed sale and supply of controlled item laws particularly harsh and unjust.
- (6) If the Bill is passed, affected retailers must be afforded adequate time to implement the necessary training and in-store advertising in preparation for the legislative change.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully,

[REDACTED]

President