

# Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026

## Statement of Compatibility

**Prepared in accordance with Part 3 of the *Human Rights Act 2019***

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Daniel Purdie MP, Minister for Police and Emergency Services make this statement of compatibility with respect to the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

Please refer to the Explanatory Notes accompanying the Bill for a detailed overview. The majority of amendments in the Bill raise no human rights implications. Amendments in the Bill that may limit a human right are considered further within this statement.

## Human Rights Issues

**Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the following human rights under the HR Act are engaged (including rights that are promoted or limited) by the provisions in the Bill:

- recognition and equality before the law;
- right to life;
- freedom of movement;
- peaceful assembly and freedom of association;
- property rights;
- privacy and reputation;
- right to liberty and security of person;
- humane treatment when deprived of liberty; and
- fair hearing.

**Consideration of reasonable limitations on human rights (section 13 of the HR Act)**

### Stamping out antisemitism

*Prohibiting particular expressions*

(a) the nature of the rights

The *right to equality and non-discrimination* protects against discrimination on the basis of certain personal characteristics or attributes, such as race, religion or political beliefs or activity. The prohibited expressions offence protects against discrimination on the basis of personal characteristics and attributes.

The *right to freedom of expression* is broad in scope and applies to the communication of ideas of all kinds (including where that expression might be offensive or disturbing). The prohibited expressions offence will limit this right by prohibiting certain phrases being communicated.

There is a minor limitation on the right to be presumed innocent as the prohibited expressions offence imposes an evidential burden on a person to establish the reasonable excuse defence.

The *right to property* protects individuals' right not to be arbitrarily deprived of their property. Enabling seizure of items that include the display of these symbols where a police officer has a relevant reasonable suspicion interferes with property rights. However, given the justification provided below, this interference is not considered to be arbitrary and, therefore, property rights are not limited.

The *right to privacy* protects a person's right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Enabling searches of persons and vehicles without warrant for property related to prohibited expressions where an officer has a relevant reasonable suspicion about an offence interferes with this right. However, given the justification provided below, this interference is not considered to be arbitrary and, therefore, this right is not considered to be limited.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the prohibited expressions offence is to guard against extreme prejudice against relevant groups. This ultimately will have the effect of promoting the human rights of those persons in relevant groups, including their rights to equality and non-discrimination, right to privacy and security of person (in the sense of protecting their physical and mental integrity from harm), freedom of religion, and cultural rights. Further, guarding against the use of harmful and hateful language in public discourse has the effect of promoting the freedom of expression for those groups targeted by that language.

Also, the amendments to search powers are necessary to support enforcement of the offence. The purpose is to ensure police officers may search people or vehicles and seize items that may be evidence of the offence in a timely and efficient way, prevent loss of evidence and prevent further display of the expression. This helps achieve the purpose of the offence.

These are legitimate aims consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The prohibited expressions offence includes a number of thresholds which are all rationally connected to achieving the purpose of guarding against extreme prejudice. This includes the following requirements/thresholds:

- that the Minister be satisfied that an expression represents an ideology of extreme prejudice against a relevant group;
- that the Minister be satisfied the expression is regularly used to incite harm to that group; and
- the offence requires the prosecution to prove the expression was used in a way that might reasonably be expected to cause a member of the public to feel ‘menaced, harassed or offended’.

Each of these requirements/thresholds ensure that it is only expressions which represent extreme prejudice and subsequently cause harm to relevant groups which are captured by the prohibited expressions offence.

Also, the amendments to search powers are connected to the purpose by supporting the effective enforcement of the offence and preventing or reducing harm from the display of the expressions.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

While there are a number of alternative approaches to guard against extreme prejudice which may in some senses be less restrictive, such as relying on existing hate speech/vilification offences (e.g. section 124A of the *Anti-Discrimination Act 1991* or section 52A of the Criminal Code), I do not consider these alternatives would be as effective in achieving the purpose as the prohibited expressions offence. The prescription of particular phrases leaves no doubt that the use of those expressions is unacceptable, and through this clarity would have a greater deterrent effect on the use of those expressions in public and facilitate the successful prosecution of those who do.

Further, the prohibited expressions offence also only goes as far as necessary to achieve its purpose. It does not allow an unfettered power to freely prescribe any expressions, only those which represent extreme prejudice and are used to incite harm. Further, the extent of the limitations is tailored by the reasonable excuse defence, which allows for the use of expressions where it might relate to, among other things, matters in the public interest. Placing an evidential onus only on the defendant to raise the defence is a minor limitation on the right to be presumed innocent and is appropriate in order to ensure the provision achieves its purpose.

Also, the only alternative approach to the amendments to search powers is to require police officers to rely on existing powers. This includes the need to obtain a search warrant before conducting the search. This would not achieve the purpose because it lacks timeliness. Moreover, the requirement that the police officer has a reasonable suspicion that the person has committed the offence appropriately constrains the powers.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Freedom of expression is a foundational right which is the cornerstone of a healthy democracy, and any limitations to that right (and the other rights noted above) must be done thoughtfully and for an important reason. The types of expressions which are targeted by the prohibited expressions offence, however, are those which contribute to the proliferation of extreme prejudice in public discourse and debate. Such expressions, by their nature, undermine our

democracy, restrict the full participation of targeted groups in that public discourse and debate, and destroy social cohesion. On balance, noting the inclusion of appropriate thresholds and the reasonable excuse defence, I consider that the benefits of strengthening our laws to guard against extreme prejudice outweigh the limitations on human rights, and the amendments are therefore compatible with human rights.

(f) any other relevant factors

None.

*Strengthening bans on hate symbols*

The amendments in the Bill will deepen the limitations on human rights which are already imposed by the existing prohibited symbols framework. It does so by providing for the prescription of more symbols by way of a new power to prescribe state sponsors of terrorism or terrorist organisations (as defined by sections 110.3(1) and 102.1(1)(b) of the *Criminal Code* (Cth)) as ‘prescribed organisations’, and providing for the symbols of prescribed organisations to be defined as ‘relevant prohibited symbols’ and subject to the offence provisions for the distribution, publication or display of prohibited symbols.

The prohibited symbols framework limits the *right to freedom of expression*.

The further limitations on this right by the amendments in the Bill are proportionate and justified under section 13 of the HR Act as follows:

- Legitimate aim (section 13(b)): providing for the prescription and prohibition of the public display of symbols of terrorist organisations or state sponsors of terrorism is aimed at protecting the right for all individuals to participate in public life without being subjected to symbols representing extreme violence or hateful ideologies.
- Rational connection (section 13(c)): the amendments achieve this purpose by explicitly linking what can be a ‘prescribed organisation’ to the definitions in the Commonwealth Criminal Code of a terrorist organisation or state sponsor of a terrorist organisation. Under those Commonwealth definitions, a terrorist organisation is an organisation that is directly or indirectly involved in preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates for the same. Similar definitions apply for the state sponsors of terrorism. There is a direct link, then, between what can be a prescribed organisation and involvement in, or advocacy of, extreme violence. Further, the requirement for the offence to menace, harass or intimidate a member of the public ensures that the use of the symbol is capable of having an impact on a reasonable person.
- Necessity (section 13(d)): while there is some overlap in existing protections under Commonwealth law in relation to the public display of symbols of terrorist organisations, relying only on these provisions to protect individuals from being subject to the public display of symbols of extreme violence or hate would not be as effective as introducing a complementary (but differently formulated) offence within the Queensland Criminal Code. The Queensland offence is designed to fit within existing Queensland laws and legal concepts, which will encourage prosecution and enforcement of the offence as well as public understanding of what the offence prohibits.

- There are also a number of protective elements to the offence which help to ameliorate the extent of the impact on human rights, including the requirement that a reasonable member of the public could have been menaced, harassed or offended by the public display of the symbol of the prescribed organisation, the requirement that the person ought reasonably to have known the symbol was used by a prescribed organisation, and the availability of a reasonable excuse defence.
- Fair balance (section 13(e)-(g)): on balance, while the limitations will affect the identified right, eliminating the harm that is caused through the public display of symbols of organisations which represent extreme violence and hatred outweighs the limitations which result from the strengthened framework.

### **Protecting faith communities**

#### **(a) the nature of the rights**

The right to *peaceful assembly and freedom of association* and the right to *take part in public life* protect the forming of associations and gathering of like-minded people, as well as the right to participate in the conduct of public affairs through public debate or dialogue respectively. The nature of the *right to equality and non-discrimination and right to freedom of expression* are set out above.

These rights are limited because the religious worship offences are capable of capturing conduct that occurs in the vicinity of a place of worship or which disturbs religious worship, which might include protests or other political activity.

#### **(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

The purpose of the religious worship offences is to ensure people in Queensland are free to practice their religion in a place of worship without being impeded, harassed or otherwise disturbed. Ultimately, this promotes the right to freedom of religion which the High Court of Australia has affirmed as of ‘the essence of a free society’ (*Church of the New Faith v Commissioner of Pay-roll Tax* (Vic) (1983) 154 CLR 120, 130). The right to freedom of religion explicitly protects the public demonstration of religion or belief through worship, both individually and as part of a community. It also promotes cultural rights which provide that persons must not be denied the right, in community with others, to declare and practice their religion.

#### **(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose**

The religious worship offences are rationally connected to achieving the purpose of ensuring people are free to practice their religion in a place of worship without being impeded, harassed or otherwise disturbed, as they only capture conduct which occurs in or in the vicinity of a place of religious (while entering or leaving a place of worship, or where persons are lawfully assembled for religious worship).

#### **(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill**

There are no alternatives that would be as effective in achieving the purpose. Relying on existing offences such as public nuisance under section 6 of the *Summary Offences Act 2005* would not be as effective in protecting persons who are practicing their religion in a place of worship, as it is couched in general language divorced from the context of religious worship (public nuisance requires the behaviour to interfere with the peaceful passage through a public place by a member of the public). There are no other offences which are as apt at preventing the behaviour targeted by the religious worship offences.

Further, the religious worship offences are narrowly tailored to achieve the purpose. They are appropriately confined to places of worship, and only when persons are lawfully assembled for religious worship. The extent of the impact on human rights is further ameliorated by the inclusion of a reasonable excuse defence for the religious worship offences.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The religious worship offences are likely to have only a limited impact on the rights identified, as they are bound to specific spaces (places of religious worship) and only where persons have lawfully gathered to engage in religious worship. The impact is further tempered by the inclusion of a reasonable excuse defence.

On balance, these limits are outweighed by the importance of ensuring that people in Queensland are free to practice their religion in a place of worship without being impeded, harassed or otherwise disturbed.

- (f) any other relevant factors

None.

### **Strengthening Weapons Laws - Increasing penalties and new offences to enhance community safety**

- (a) the nature of the right

The *right to liberty and security of person* outlines that a person must not be subjected to arbitrary arrest or detention and must not be deprived of their liberty except on grounds, and in accordance with procedures, established by law.

This right is engaged because the proposed amendments either provide for a longer period of imprisonment as a maximum penalty or impose criminal sanctions that may include imprisonment as a consequence of the person's behaviour. In addition, the amendments add certain new offences to the adult crime, adult time scheme which prescribes the same maximum, minimum or mandatory penalties for children as adults.

Section 26(2) 'Right of children to protection in their best interest' of the HR Act reflects that children are more vulnerable because of their age and are entitled to special protections. Prescribing certain offences to the adult crime, adult time scheme engages this right as more children may be sentenced to detention orders.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The proposed amendments are not arbitrary in nature. Rather, the increase in penalties for certain offences and the introduction of new offences are designed to address criminal behaviour that due to its nature, or due to its association with other offences represents a high risk to community safety. For example, the amendments will increase the maximum penalty for the unlawful trafficking of a weapon to life imprisonment. This is designed to deter offenders from participating in the illicit firearms trade. This is a legitimate objective as firearms traded in this market have been used by offenders to commit the most serious offences including murder.

Similarly, the new offence of possessing digital 3D blueprints for the manufacture of firearms is designed to deter the production of firearms that may later be used to commit offences.

Further, the purpose of the new offence prohibiting acts in preparation for serious violence and amendments to section 540 of the Criminal Code is to deter offenders from conducting significant planning and preparation to commit serious offences of violence, including mass casualty attacks.

The purpose of the limitation is to deter persons from participating in specific behaviour that would compromise the safety of others and the community. The purpose of prescribing certain offences as adult crime, adult time offences is to also ensure adequate penalties that meet community expectations are available for youths who commit crimes that endanger community safety.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

While it is not possible to quantify the deterrent effect caused by increasing the maximum penalty for offences or by introducing new offences, it is essential to ensure the community is adequately protected and to impose an appropriate sanction to offenders, including youth offenders who engage in behaviour with weapons that places others at risk.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No other less restrictive, reasonably available alternatives have been identified.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The limitation of the right to liberty and security and the right of children to protection in their best interest as a result of non-compliance with the proposal is outweighed by the strong community expectation that adequate offences and penalties will be available to address criminal behaviour that endangers the community. As such, on balance it is considered the benefits of imposing the proposed offences and increases in maximum penalties outweigh any limitations placed on an individual's right to liberty and security.

Additionally, the benefits of prescribing certain offences as adult crime, adult time offences outweigh any limitations placed on an individual's right to liberty and security and the right of children to protection in their best interest. It is acknowledged that section 175A of the YJ Act is subject to a human rights override declaration. However, as the court is still able to impose a penalty that is proportionate in all the circumstances taking into account the maximum penalty, the amendments to 175A contained in this Bill are not considered incompatible with human rights.

(f) any other relevant factors

Nil.

### **Mandating Citizenship for firearms ownership**

(a) the nature of the right

The Bill will provide that a weapons licence may only be issued to an Australian citizen who resides in Queensland, unless specific exemptions apply. This may impact several rights protected under the HR Act, including *recognition and equality before the law* and the *right to property*.

The *right to recognition and equality before the law* will be limited by the Bill as it prevents a licence being issued to a person who is not an Australian citizen, whereas Australian citizens are eligible for licences where other conditions are satisfied. The nature of this right is set out above.

*Property rights* protects against arbitrary deprivation of a person's property. 'Property' is not defined in the HR Act but has been interpreted as including an interest in real or personal property and extends to economic interests such as practising one's profession. A restriction on the availability of a weapons licence has the potential to limit an individual's ability to practice their profession and therefore may interfere with their property rights.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the Bill is to enhance and simplify the process of conducting background checks on applicants for a weapons licence. A comprehensive and timely background check benefits public safety by ensuring that only fit and proper persons are eligible to possess a weapons licence in Queensland.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on human rights as a result of the amendments are connected to the Bill's purpose. Limiting eligibility for possession of a weapons licence to Australian citizens will ensure that thorough background checks are conducted in a timely and comprehensive manner.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill



There are no less restrictive and reasonably available ways to achieve the purpose of the Bill.

The amendments have been drafted to include an exception to the limitation, which allows non-Australian citizens to be issued a licence when strict conditions are met.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The amendments impose limitations on the right to recognition and equality before the law and the right to property. The limitation of these rights is in relation to a person's eligibility to possess a weapons licence only. The law in Queensland recognises that possession of a weapons licence is a privilege not a right.

The principles of the *Weapons Act 1990* provide that the possession and use of weapons are subordinate to the need to ensure public safety. The restrictions on human rights caused by the amendments are slight. The importance of the amendments, in that they will strengthen the protection of the community by ensuring licences are held by persons who are fit and proper, is significant, and outweighs the limitations on human rights

- (f) any other relevant factors

Not applicable.

### **Amending the purpose for which controlled operations can be authorised**

- (a) the nature of the right

The Bill will amend the purpose for which controlled operations can be authorised, which may impact several rights protected under the HR Act, including *recognition and equality before the law*, the *property rights*, *privacy and reputation* and the *right to liberty and security*.

Chapter 11 of the *Police Powers and Responsibilities Act 2000* (PPRA) permits police officers, when acting under an authorised controlled operation, to engage in conduct that would otherwise constitute an offence. This differential treatment between police officers and members of the general public may impact upon the *right to equality before the law*. The nature of this right is set out above.

Controlled operations may involve temporary interference with property, such as handling or use of items in the course of authorised conduct and therefore impact upon *property rights*. The nature of this right is set out above. The inclusion of crime frustration as a lawful purpose may result in such interference to prevent the completion of a criminal offence.

The right to privacy and reputation protects a person from unlawful or arbitrary interference with their privacy, family, home or correspondence and from unlawful attacks on reputation. The right is broad and includes protection against interference with bodily integrity, personal information and private communications.

The concept of “arbitrary” extends to lawful interferences that are unreasonable, unnecessary or disproportionate. Interference must be authorised by law and the law must be sufficiently accessible and precise.

Controlled operations may involve covert conduct that interferes with privacy. Expanding the lawful purpose to include frustration of crime may increase the likelihood of such interference occurring at an earlier stage.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the Bill is to enhance community safety by enabling police to prevent, disrupt or frustrate criminal activity before harm occurs, through the controlled and accountable use of controlled operations.

The amendments are directed to the protection of the community from serious criminal conduct and are consistent with a free and democratic society based on human dignity, equality and freedom, as they seek to prevent harm rather than provide for a response after harm has occurred.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on human rights arising from the Bill is directly connected to, and assists in achieving, its purpose. By expressly permitting controlled operations to be authorised for the purpose of frustrating crime, the Bill enables police to intervene earlier in criminal activity, including by disrupting planned or ongoing conduct before it results in harm. This enhances the effectiveness of controlled operations as a crime prevention tool.

The limitation is not broader than necessary to achieve the purpose. The Bill does not expand the nature of conduct that may be authorised, nor does it reduce existing safeguards. As a result, the limitation operates only to the extent necessary to enable the legitimate objective of crime prevention to be realised.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the Bill.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill limits certain human rights by enabling police officers, in limited circumstances, to engage in conduct that would otherwise be unlawful. However, the extent of the limitation is constrained by robust statutory safeguards, including authorisation requirements, necessity and proportionality considerations and post-operation accountability. The Bill does not permit arbitrary or unchecked interference with rights.

On balance, the importance of the Bill's purpose of preventing serious criminal harm and protecting community safety outweighs the limited and regulated impact on individual rights.

- (f) any other relevant factors

Not applicable.

### **Amendments to Queensland's Firearm Prohibition Order scheme**

#### **(a) the nature of the right**

The Bill may impact upon the *right to recognition and equality before the law* by granting the Commissioner the sole decision-making authority to issue a Firearm Prohibition Order (FPO). The nature of this right is set out above. The removal of the Court-issued FPO process could introduce a risk of decisions being perceived as arbitrary or discriminatory. However, the Bill has retained the same considerations for making an FPO, which aids to minimise the likelihood of this right being limited. Furthermore, the expanded police search powers could disproportionately impact certain groups, such as individuals who are more likely to associate with a person subject to an FPO, potentially resulting in indirect discrimination.

The *right of freedom of movement* protects a person's right to liberty of movement within Queensland and their right to choose where they live. The nature of this right is set out above. The Bill may limit this right by introducing expanded police search powers, allowing police to search individuals accompanying a person subject to an FPO, as well as their vehicle and any relevant premises they may be attending. While the Bill does not directly restrict the person's ability to move or reside in Queensland, the potential to be subjected to a search due to their association, may discourage individuals from moving freely or visiting certain locations.

The Bill may limit the *right to peaceful assembly and freedom of association* by introducing expanded police search powers which allow police to search individuals accompanying a person subject to an FPO, as well as their vehicle and relevant premises. The nature of this right is set out above. While the Bill does not directly restrict a person's ability to associate with others, the possibility of being subjected to a search due to their association, may discourage the individual from forming or maintaining associations.

The *right to privacy and reputation* may be limited by allowing police to search individuals accompanying a person subject to an FPO. The nature of this right is set out above. The expanded police search powers could interfere with a person's privacy, particularly if they are searched or their personal belongings are inspected due to their association.

The *right to humane treatment* provides that all persons deprived of liberty are treated with humanity and respect for their inherent dignity. The right recognises the vulnerability of individuals in such circumstances and imposes an obligation to uphold their dignity and humanity. The Bill provides police officers with expanded search powers to stop, search and detain individuals subject to an FPO, as well as any persons accompanying them. The exercise of these powers may result in the temporary detention of individuals, including those accompanying individuals subject to an FPO.

The powers are designed to prevent the possession, use or trafficking of firearms by individuals who pose a significant threat to community safety. The powers are necessary to enhance community safety and reduce the risk of firearm related harm. The temporary detention of individuals during the exercise of these powers is proportionate to the legitimate objective of preventing firearm related violence. Importantly, the Bill retains the existing safeguards under the PPRA, ensuring police officers act in accordance with established procedures and legislation.

The *right to a fair hearing* provides that a party to a civil proceeding has the right to have the matter decided by a competent, independent and impartial Court or tribunal after a fair and public hearing. This right does not expand to a general entitlement to natural justice for decisions made by the executive. The Bill removes Court-issued FPOs. However, this does not limit the right to a fair hearing, as the decision making process for an FPO falls outside the scope of this right. Accordingly, the Bill does not limit the right to fair hearing.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the Bill is to enhance community safety and reduce firearm related risks by strengthening the FPO scheme and expanding police search powers. The Bill aims to prevent individuals who pose a high risk to the community from accessing or using firearms.

The Bill also expands police search powers to include the ability to search individuals who are accompanying a person subject to an FPO, as well as their vehicles and relevant premises. These expanded police search powers are essential for enabling police to enforce and monitor compliance with FPOs, which is critical to achieving the Bills purpose of enhancing community safety and reducing firearm related risks.

The Bill maintains appropriate safeguards that apply to searches under the PPRA, which assists in minimising the risk of unreasonable interference with an individual's rights and liberties. By specifically targeting individuals who pose a high risk, the Bill seeks to balance the need for community safety with the protection of individual rights.

Additionally, the Bill retains the Commissioner requirement to maintain a register about FPOs made, including relevant information about the orders including:

- the day the order was made;
- details of the individual subject to the order;
- the period the order is in effect;
- whether the decision to make the order was reviewed and, if so, the outcome of the review;
- details of any items given to or seized by a police officer;
- details of any actions taken by a police officer in relation to the order, including any noncompliance with the division by a police officer in taking the action;
- details of any firearms or firearm related items seized by a police officer in exercising powers in relation to the order;
- details of any charges made against the individual under this Act; and
- details of any charges made against the individual under another Act arising from a search.

To ensure transparency and accountability, the Commissioner must provide the Public Interest Monitor with access to the register to support their functions under chapter 21 of the PPRA.

The Bill enables the Queensland Police Service (QPS) to proactively utilise FPOs to prevent high risk individuals from obtaining firearms that could be used in violent or terrorist acts.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations imposed by the Bill, if enacted, will achieve the purpose of enhancing community safety and reducing firearm related risks. The Bill is specifically designed to

strengthen the FPO scheme, to prevent high risk individuals from accessing or using firearms and achieve the legitimate objective of enhancing community safety. The limitations on certain rights are necessary to achieve this purpose.

The expanded search powers will enable police to proactively monitor and enforce compliance with FPOs, ensuring that individuals subject to a FPO are not in possession of firearms or engaging in activities that could endanger the community. The Bill is targeted at high-risk individuals who pose a threat to community safety. The limitations imposed by the Bill are proportionate and effective in achieving this purpose.

Importantly, the Bill retains safeguards for the exercise of search powers under the PPRA, ensuring that these limitations are applied in a manner that minimises unnecessary interference with individual rights. Further, the matters to be considered when making an FPO remain unchanged, despite the removal of Court-issued FPOs. This ensures that the Commissioner must continue to apply appropriate and consistent considerations when determining whether to make an FPO. The limitations imposed by the Bill carefully consider the purpose of enhancing community safety and reducing firearm related risks, with individual rights. The amendments are necessary and proportionate and maintain safeguards to ensure the scheme is fairly and appropriately applied. By specifically targeting individuals who pose a high risk, the Bill seeks to balance the need for community safety with the protection of individual rights.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There is no less restrictive and reasonably available way to achieve the purpose of the Bill.

In developing the Bill, consideration was given to equivalent legislation in other jurisdictions including New South Wales, Victoria, Western Australia, Tasmania and the Northern Territory. New South Wales has adopted a similar approach where the Police Commissioner is authorised to issue an FPO, without a fixed duration, unless revoked by the Commissioner or successfully appealed. The adoption of similar legislative measures across Australia demonstrates a broad consensus on the necessity of the FPO scheme to address high risk individuals and enhance community safety.

Given the targeted nature of the Bill, and the safeguards and alignment with other jurisdictions, there are no less restrictive and reasonably available alternatives that would achieve the same purpose of enhancing community safety and reducing firearm related risks.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

While the Bill imposes limitations on human rights, these limitations are necessary, reasonable and proportionate to the legitimate purpose of reducing firearm related risks and enhancing community safety. The removal of the court-issued FPO scheme streamlines decision making, enabling the police officers to act swiftly in high-risk scenarios. The expanded search powers address the specific risk of firearms being transferred or concealed by associates. The importance of limiting certain human rights, such as the right to privacy and freedom of movement may be considered on one side of the scales, while the importance of preserving these rights and their limitation is considered on the other.

These limitations are balanced against the fundamental right to life and security of person, which the Bill seeks to uphold by preventing firearm related harm. On balance, the importance of protecting lives and enhancing community safety outweighs the harm caused by limitations on certain rights.

To ensure proportionality, safeguards are included in the Bill, including search powers being governed by the PPRA and robust review processes for FPOs, which minimise unnecessary interference with human rights. The Bill strikes a fair balance between enhancing community safety, and the limitations imposed on individual rights. While the limitation on human rights is significant, the importance of enhancing community safety is paramount, and the Bill achieves this through proportionate and justified amendments.

(f) any other relevant factors

The FPO scheme was introduced in the *Queensland Community Safety Act 2024* as a hybrid model, which included both a court-issued and commissioner-issued FPOs. The Bill revises the existing scheme by removing the court-issued FPO process and transitioning to a commissioner-issued FPO scheme. Furthermore, the Bill introduces enhanced search powers associated with the FPO scheme. Importantly, the Bill retains appropriate safeguards in relation to the exercise of search powers and provides for a robust review system.

**Broadening the scope of an individual's history that may be considered in firearms licencing decisions to include weapons-related offences and offences of violence, irrespective of whether a conviction is spent or not recorded**

(a) the nature of the right

The rights potentially impacted by the amendments to the weapons licensing framework include the *right to recognition and equality before the law*, *property rights*, *privacy and reputation* and *the right to a fair hearing*. The nature of these rights are set out above.

The right to recognition and equality before the law may be limited by requiring decision-makers to consider broader histories may be seen as differentiating licence applicants and associates from members of the public whose broader criminal records are generally protected from consideration.

Property rights may be limited as licences and the possession of firearms may involve interests of a proprietary character. Tightening or clarifying refusal, suspension or revocation criteria may affect the enjoyment of property by restricting possession or use of weapons. However, these amendments do not deprive any person of existing property rights. Rather, they acknowledge the fundamental principles and objectives of the *Weapons Act 1990*, that weapon possession and use are subordinate to the need to ensure public and individual safety, and that public and individual safety is improved by imposing strict controls on the possession of weapons and requiring the safe and secure storage and carriage of weapons.

The right to privacy may be limited as collecting, using and requiring disclosure of sensitive personal information (including spent or non-recorded convictions or discontinued charges) may be regarded an interference with privacy. The engagement with the right is limited in scope in that the amendments do not interfere with privacy generally, except for the specific purpose of applications under the *Weapons Act 1990*. The amendments are necessary and consistent with the safety and protection of the community.

Concerns about the right to a fair hearing are mitigated as in relation to weapons licencing decisions, applicants and licensees affected by decisions will continue to have a right of review by the Queensland Civil and Administrative Tribunal (QCAT). However, this right may be impacted, as retrospective validation could be perceived as affecting existing or contemplated review, and therefore procedural fairness considerations arise.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to protect public and individual safety by ensuring that authorising the possession and use of weapons occurs only where the authorised officer has access to, and must weigh, all relevant risk-related information. The *Weapons Act 1990* is a protective statute directed to prevention of harm by imposing strict controls on who may possess weapons. Confirming a holistic assessment directly advances that purpose and is consistent with a free and democratic society that values life, bodily integrity and community safety.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments moved as part of the Bill will achieve the purpose of keeping the community safe. There is a rational and proportionate connection between empowering and requiring consideration of the full factual context of an applicant's history and the goal of risk-based licensing. Non-recording of a conviction under section 12 of the *Penalties and Sentences Act 1992* (PSA), or a charge that did not result in conviction, may still reveal behaviour that is highly probative of risk when viewed with other information. Ensuring decision-makers can lawfully consider that material, subject to safeguards and review, helps achieve the purpose.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the Bill.

In relation to the proposed weapons amendments, other options considered (such as relying only on recorded convictions or restricting inquiries to a narrow set of matters) would materially reduce the information available for risk assessment and undermine the protective purpose of the *Weapons Act 1990*. Administrative guidance alone would not overcome the legal constraints identified in the *CoP v XPR*, the PSA, the Criminal Law (Rehabilitation of Offenders) Act 1986 and other legislation.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In terms of the right to equal treatment, any differential treatment is tightly confined to a defined regulatory context of determining the eligibility to possess weapons and is guided by the statutory criteria outlined in sections 10B and 10C of the *Weapons Act 1990* which involves consideration of the public safety and public interest. The importance of preventing misuse of weapons and protecting life and safety outweighs the limited impact on equal treatment in this context.

With respect to property rights, any deprivation is not arbitrary: decisions are made under law, by authorised officers, against defined statutory tests, with written reasons and with QCAT merits review. The *Weapons Act 1990* regulates future risk; it is not punitive.

Regarding the right to privacy, any interference with human rights is lawful as it is authorised by clear legislation, it is non-arbitrary, it is limited in scope to licensing matters, it is proportionate to safety and it involves no public disclosure. These amendments are limited to decision-making about the possession and use of weapons. Information-handling is subject to normal public sector privacy, data security and record-keeping obligations. Concerns about these amendments are further mitigated as an applicant is entitled to review a decision made by an authorised officer.

In consideration of the right to fair hearing, the licensing framework continues to provide procedural fairness, reasons and external merits review in QCAT. Retrospective validation is curative and restores the long-understood operation of the Act rather than removing rights to challenge current or future decisions. It does not determine outcomes in individual matters but ensures the correct lawful lens is applied.

On balance, the importance of the purpose – public and individual safety in the regulation of weapons – justifies the limited and proportionate impacts on these rights.

(f) any other relevant factors

There are no other relevant factors.

**Formalising information sharing with the ADF**

(a) the nature of the right

The proposed amendment will limit the *right to privacy* as the information held by the QPS and shared with the Australian Defence Force (ADF) is likely to include personal information and, in some cases, this information may impact a person's social or professional reputation.

Limits on a person's right to privacy and reputation are compatible with human rights if the limitation is lawful and proportionate to a legitimate end, such as to ensure efficient information sharing for a law enforcement purpose.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The ADF is established under Commonwealth legislation to defend Australia and its national interests, promote security and stability and support the Australian community as directed by the Government. The sharing of information held by government agencies, such as the QPS, with an entity such as the ADF may sometimes be necessary to assist them in fulfilling their legislative purpose while maintaining the safety of ADF personnel, activities and properties.

While the information held by the QPS may include personal information with the potential to impact on an individual's right to privacy and reputation, this information may only be shared in accordance with the limitations on its use as prescribed by section 10.2L 'Giving information



to approved agencies to enable use of information for a particular purpose’ of the *Police Service Administration Act 1990* (PSAA).

The purpose of the Bill is to enhance public safety by allowing the more efficient and timely sharing of information with the ADF for law enforcement purposes. The amendments are necessary and consistent with the safety and protection of the community.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendment will achieve this purpose by enabling the QPS to more effectively and efficiently provide information to the ADF.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There is no less restrictive way to achieve the purpose of the Bill.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

While the Bill imposes limitations on human rights, these limitations are necessary, reasonable and proportionate to the legitimate purpose of enhancing community safety by allowing the ADF to safely fulfill its legislative obligations.

Concerns about a potential infringement on a person’s right to privacy and reputation are mitigated by constraints contained in the PSAA regarding the use of information for particular purposes. Any information shared by the QPS with the ADF under this amendment can only be used for a law enforcement purpose.

(f) any other relevant factors

Not applicable.

## Conclusion

In my opinion, the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**DANIEL PURDIE MP**

MINISTER FOR POLICE AND EMERGENCY SERVICES

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