



# ***JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE***

**Members present:**

Mr MA Hunt MP—Chair  
Mr MC Berkman MP  
Mr RD Field MP  
Ms ND Marr MP  
Hon. MAJ Scanlon MP  
Ms C Mullen MP

**Staff present:**

Ms F Denny—Committee Secretary  
Ms H Radunz—Assistant Committee Secretary

## **PUBLIC BRIEFING—INQUIRY INTO THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026**

### **TRANSCRIPT OF PROCEEDINGS**

**Thursday, 19 February 2026**

**Brisbane**

## THURSDAY, 19 FEBRUARY 2026

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**The committee met at 1.15 pm.**

**CHAIR:** Good afternoon. I declare open this public briefing for the committee's inquiry into the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026. My name is Marty Hunt, member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. With me here today are: Charis Mullen MP, acting deputy chair and member for Jordan, who is substituting for Peter Russo MP, the member for Toohey; Meaghan Scanlon MP, the member for Gaven, who is substituting for Melissa McMahon MP, the member for Macalister; Natalie Marr MP, the member for Thuringowa; Michael Berkman MP, the member for Maiwar, will be here shortly, as I understand it; and Russell Field MP, the member for Capalaba.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that departmental officials are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages.

I welcome representatives from the Department of Justice and the Queensland Police Service who have been invited to brief the committee on the bill. Please remember to press your microphones on before you start speaking and off when you are finished. Please turn mobile phones off or to silent mode.

**ALLAN, Ms Kathryn, Director, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice**

**CONNORS, Assistant Commissioner Brian APM, Crime Command, Queensland Police Service**

**HENDERSON, Inspector John, Policy and Insight Division, Queensland Police Service**

**IMPSON, Mr Jamie, Principal Legal Officer, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice**

**JONES, Ms Joanne, Manager, Weapons Licensing Group, Queensland Police Service**

**PIPER, Mrs Tessa, Deputy Director-General, Justice Policy and Reform, Department of Justice**

**ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice**

**SCANLON, Deputy Commissioner Cheryl, Operations, Queensland Police Service**

**WILSON, Mr Andrew, Senior Legal Officer, Crime and Intelligence Legal Services, Queensland Public Service**

**CHAIR:** I now invite you to brief the committee, after which committee members will have some questions for you. We will start with the Queensland Police Service.

**Deputy Commissioner Scanlon:** Good afternoon, Chair and honourable members of this committee. I begin by respectfully acknowledging the traditional custodians of the land on which we meet today, the Turrbal and Yagara people, and I pay my respects to elders past, present and emerging.

My name is Cheryl Scanlon. I am Deputy Commissioner, Specialist Operations. In my role, I lead the portfolios responsible for expert specialist advice and investigative support alongside direction in the areas of crime, security and counterterrorism, ethical standards, legal division and other specialist operations. Each portfolio provides expert specialist, technical, logistical and operational support and advice to policing activities statewide to prevent, disrupt and investigate crime.

We are here today because of the horrific attacks at Bondi Beach, which serve as a stark reminder of the devastating consequences of hate fuelled violence and the misuse of firearms. On behalf of the Queensland Police Service, I extend our deepest condolences to the victims, their families and all of those who are impacted by this tragedy.

Thank you for the opportunity to appear and assist the committee with its examination of the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026. I am joined today by representatives of the Queensland Police Service and the Department of Justice who may assist in responding to technical and operational questions regarding the bill. I understand the committee has been provided with a written briefing. The written briefing complements the bill, explanatory notes and statement of compatibility.

The amendments proposed in the bill present a critical and timely step forward in addressing two significant challenges that threaten safety and cohesion within our communities: the rise of anti-Semitism and the risk posed by firearms in the hands of high-risk individuals. The QPS is committed to ensuring that Queensland remains a safe and inclusive place for all. This bill is a reflection of our commitment to protect the community and address emerging threats in a pro-active and effective manner. Today, I will outline the key elements of the bill, the challenges it seeks to address and the importance of its implementation in achieving our shared goal of a safer Queensland.

The first component of the bill focuses on the amendments to the Criminal Code which include the introduction of new offences and increases two penalties for existing offences. Whilst I understand that my colleague Ms Tessa Piper, Deputy Director-General from the Department of Justice, will provide an opening statement and outline these amendments, I will speak to the increased penalties for the new offences for preparing or planning of serious offences.

A new offence has been introduced to criminalise acts done in preparation for, or planning of, offences likely to cause death or grievous bodily harm. This offence carries a maximum penalty of 14 years imprisonment. In addition to this, the bill prohibits the possession of an explosive or other dangerous or noxious thing by a person who intends to commit a crime while using the thing or enables another to commit a crime by using the thing. The inclusion of this offence in Queensland's Criminal Code reflects the need to address the increasing sophistication of preparation by criminal networks and individuals who engage in premeditated acts. By criminalising preparatory acts the QPS will be better equipped to intervene before harm can occur and disrupt criminal activity at an earlier stage to prevent potential tragedies.

The second focus of the bill tackles illegal firearms and the enhancement of the firearm prohibition order framework, or FPO scheme, through amendments to the Weapons Act. Firearms in the hands of high-risk individuals pose a significant threat to public safety. The bill introduces new offences for the reckless discharge of a weapon towards a building or vehicle. This offence, which carries a maximum penalty of up to 20 years imprisonment, addresses the significant risks posed by the reckless use of firearms, particularly in cases linked to hate motivated violence or organised crime. The QPS recognises that as technology evolves the law must remain current and responsive. The bill does this by establishing an offence which prohibits the possession and distribution of blueprint material for the manufacture of firearms on a 3D printer or electric milling machine. Further amendments are made to increase the maximum penalty for specific offences under the Weapons Act. These offences, either due to their seriousness or their direct association with other offences, pose a high risk to community safety.

These amendments will implement the strongest maximum penalty for these offences in Australia. For example, currently the maximum penalty for the offence of unlawful trafficking of a weapon is 15 years if the weapon is a category A, B, C, D or E weapon, a category M crossbow or explosive. This maximum penalty increases to 20 years imprisonment if the weapon trafficked is a

category H or R weapon. The bill will increase the maximum penalty of this crime to life imprisonment regardless of the weapons category the trafficked weapons fall into. This amendment recognises that the maximum penalty for this offence should apply in response to the terrible consequences that can flow from the trafficking of illicit firearms.

The firearm prohibition order scheme was introduced under the Queensland Community Safety Act 2024. The bill proposes amendments to the FPO scheme to align it with interstate jurisdictions and provide the Police Commissioner with the sole authority to issue all FPOs in Queensland. This amendment reflects a proactive and preventative approach to firearm related crime. By empowering the Police Commissioner to issue FPOs based on a comprehensive assessment of risk, the bill ensures that high-risk individuals are identified and restricted before they can cause harm. The criteria for issuing an FPO remains unchanged. The bill increases the penalty for breaching an FPO to reflect the seriousness of such offences. The possession of a firearm in contravention of an FPO will carry a maximum penalty of 20 years imprisonment or 1,000 penalty units.

Additionally, the bill strengthens firearm storage requirements by removing the option to store firearms in containers made of solid timber, requiring instead that all firearms be stored in metal containers. This change ensures that firearms are stored in a manner that minimises the risk of theft or unauthorised access, aligning Queensland's storage requirements with best practice in firearm safety and security.

The bill will also address the administrative requirements needed to be followed to retain a weapons licence. To ensure that Queensland is aligned with the recent agreement in National Cabinet, the bill will restrict the eligibility for weapons licences to Australian citizens who reside only in Queensland. However, provision is made for individuals who are not Australian citizens but require a weapons licence for a legitimate reason. These persons may still obtain a licence if they require a licence for the genuine reasons of sports or target shooting or for occupational requirements. The bill will also amend the Weapons Act to ensure that an authorised officer can consider all relevant aspects of an applicant's suitability when determining if an applicant is a fit and proper person to hold a weapons licence or be an associate of an applicant for a dealer's licence.

The third component of the bill focuses on amendments to the Police Powers and Responsibilities Act 2000. These amendments are designed to address operational challenges faced by the QPS under the current legislative framework and to enhance our ability to respond to serious criminal threats. In summary, the bill introduces amendments to chapter 11 of the Police Powers and Responsibilities Act, which governs the authorisation, conduct and monitoring of controlled operations. Controlled operations are covert investigations into serious criminal activity where police actions that might otherwise constitute offences are authorised to gather evidence or disrupt criminal activity. These amendments expand the purpose for which controlled operations can be authorised.

Under the current framework, controlled operations are limited to obtaining evidence that may lead to the prosecution of a person for a relevant offence. The bill introduces a new purpose: frustrating the commission of a relevant offence. This change reflects the evolving nature of criminal activity and the need for law enforcement to act pre-emptively to disrupt criminal enterprises before they cause harm. Additionally, the bill lowers the offence threshold for controlled operations and surveillance devices from a seven-year imprisonment offence to a three-year imprisonment offence. This change enables the QPS to utilise controlled operations and surveillance devices for a broadening range of offences, ensuring that we can respond effectively to emerging threats, including those posed by organised crime and extremist groups.

The QPS acknowledges that the measures proposed in this bill involve certain limitations on individual rights; however, these limitations are necessary, proportionate and justified to achieve the overarching goal of enhancing community safety. The bill has been carefully designed to strike a balance between safeguarding human rights and ensuring the safety and security of all Queenslanders.

In conclusion, the bill is a vital piece of legislation that addresses three critical areas: the Criminal Code, the Weapons Act and the Police Powers and Responsibilities Act. By tackling anti-Semitism, enhancing the firearm prohibition order scheme and enhancing police powers, this bill will strengthen our ability to protect Queenslanders and ensure that our communities remain safe, inclusive and resilient. The tragic events at Bondi Beach serve as a stark reminder of the devastating consequences of hate fuelled violence and the misuse of firearms. The bill provides the tools and framework necessary to prevent such incidents and uphold the safety and security of all Queenslanders. I welcome any questions from the committee. I defer to Ms Tessa Piper from the Department of Justice for her opening statement to the committee.

**Mrs Piper:** Good afternoon, Chair and committee members. Thank you for the opportunity to provide the briefing on the bill. I too would like to acknowledge the traditional custodians of the lands on which we meet and pay my respects to their elders past and present.

Before I begin, I would also like to convey personally and on behalf of the Department of Justice my sincere sympathy to the families and friends of the 15 people who lost their lives and to Australia's entire Jewish community. Last week marked just two months since the devastating terrorist attack. One thousand Jewish Australians gathered to celebrate Hanukkah, reaffirming the Jewish faith's message of victory of light over darkness. My thoughts remain with the Jewish community in Bondi, with all those who were injured or present at Bondi Beach on that terrible day and with the broader Bondi community. Australia will never forget that day or the profound loss experienced by victims' families, friends and the broader community.

Queensland's diversity is one of our greatest strengths. We all work together to build a prosperous, fair and harmonious Queensland. Every Queenslanders has the right to express and celebrate their cultural and religious diversity. Likewise, Queenslanders deserve to feel safe and to know that the justice system is there when they need it. To this end, the bill includes a range of amendments to the Criminal Code which are the focus of my introductory remarks to the committee today.

Firstly, I would like to briefly touch on the existing protections under Queensland law for faith communities in Queensland, which this bill builds upon. The Anti-Discrimination Act 1991 protects all Queenslanders from discrimination on the basis of religious belief or religious activity. The Criminal Code includes a mechanism for the prescription by regulation of prohibited symbols. A range of Nazi and terrorist organisation symbols are prescribed. These symbols must not be used publicly in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended. There are both civil and criminal offences for vilification on the grounds of a person's race or religion, among other attributes. There is a circumstance of aggravation for a range of offences motivated by hate based on those same grounds; increasing the maximum penalty that is available and sending a strong message to the court that a higher penalty should be imposed; and there are several offences relating to conduct that hinders meetings for religious worship. Protecting cultural and religious rights via criminal justice measures targeting anti-Semitic and hate motivated conduct is at the crux of the Criminal Code amendments that are in this bill.

The bill includes amendments to strengthen bans on hate symbols. This is achieved by expanding the prohibited symbols framework to enable the Queensland Attorney-General, as the responsible minister under the Criminal Code, to prescribe particular, classes of or all state sponsors of terrorism or terrorist organisations as a prescribed organisation in Queensland. These are organisations that are listed by the Commonwealth government pursuant to subordinate legislation under the Commonwealth Criminal Code and following its protocols and legislative criteria. Because of this, there are no additional criteria or consultation requirements. The Attorney-General has to be satisfied that the entity is a terrorist organisation or a state sponsor of terrorism under the Commonwealth Criminal Code. The bill also increases the penalty for displaying prohibited symbols from 70 penalty units (which is currently \$11,683) or six months imprisonment, to 150 penalty units (which is currently \$25,035) or two years imprisonment.

The bill introduces a new offence for publicly using prohibited expressions. Importantly, the bill does not prohibit particular expressions; rather, it creates a framework for the minister to prescribe phrases in a way similar to prohibited symbols. The framework applies the existing safeguards to prescribing expressions as for prohibited symbols. This means that the minister must be satisfied that the expression is widely known by the public or members of a relevant group as being solely or substantially representative of an ideology of extreme prejudice against a relevant group. This is the existing safeguard that applies to the prescription of prohibited symbols. Importantly, an additional safeguard will also then apply. Under this additional safeguard, the minister must be satisfied that an expression is regularly used to incite discrimination, hostility or violence towards the relevant group. The offence carries a maximum penalty of 150 penalty units or two years imprisonment, aligning with the prohibited symbols offence. Police will have the power to search people and vehicles for, and seize, evidence of the offence without a warrant, like they already can for prohibited symbols.

The bill also includes amendments to modernise two offences—namely, assaulting ministers of religion and disturbing religious worship. The maximum penalties for these offences are increased too. The bill will introduce an offence for intimidating or obstructing people entering or leaving places of religious worship. Also, the bill will introduce a new special case of punishment for wilful damage to ensure that damage to a place of religious worship also attracts higher penalties.

That concludes my opening remarks. We would be pleased to assist with any questions that the committee might have about the bill.

**CHAIR:** I want to go to the new provisions in relation to acts in preparation, to whomever is the expert on that particular section. How will it assist the police in better preventing acts of violence? Can you also cover, if you know, how it differs from the federal law in relation to terrorism, the extra element of proof that is required at the federal level and how it differs from attempts to commit offences?

**Mr Wilson:** In the development of this offence, the Queensland Police Service looked both internally in Australian jurisdictions and also externally overseas, in particular to the United Kingdom. The United Kingdom specifically considered this issue as part of the response to the Southport knife attack that occurred in relation to the Taylor Swift dance themed concert. Tragically, three children were killed in that horrific incident. Jonathon Hall KC is the independent reviewer of terrorism legislation in the UK. He reviewed the response to that knife attack and, in particular, whether the United Kingdom's definition of terrorism should be amended. He concluded that the definition should not be amended; in fact, that a new offence should be created that is based on terrorism legislation to prevent mass casualty attacks. That is the basis of where we are here.

It is important to recognise that this proposed offence will apply at an earlier stage, before an attempt can be proven. There is reference to say that this offence is modelled on 101.6 of the Commonwealth Criminal Code and that is definitely correct. That specific offence provision and the meaning of what are 'acts in preparation' were considered in a case called *Lodhi*, in a 2006 decision of the New South Wales Court of Criminal Appeal. Can I quote from that because I think it accurately sums up the intention?

**CHAIR:** Please do.

**Mr Wilson:** It states—

Preparatory acts are not often made into criminal offences. The particular nature of terrorism has resulted in a special, and in many ways unique, legislative regime. It was, in my opinion, the clear intention of Parliament to create offences where an offender has not decided precisely what he or she intends to do. A policy judgment has been made that the prevention of terrorism requires criminal responsibility to arise at an earlier stage than is usually the case for other kinds of criminal conduct ...

That particular statement is of relevance here in terms of the current security climate. The introduction of the offence at 101.6 was in relation to the terrorist events that occurred in the United States. That particular offence was introduced in 2002, responding to the current security climate. This is what we are seeing here today: horrific events and legislation that responds to current security climates.

**CHAIR:** Can you confirm that the new offence does not contain the element of terrorism to be proven; is that right?

**Mr Wilson:** That is correct. There is a particular difficulty regarding the motivation behind an act. In terms of the offence under 101.6, it does require that the offence acts in preparation for a terrorist act. 'Terrorist act' has a specific definition and is very difficult to prove. What this offence is limited to is acts of serious violence.

**CHAIR:** Thank you very much for clarifying that.

**Ms SCANLON:** The joint departmental briefing note on page 5 states—

To further protect Queenslanders from the spread of ideologies that are unambiguously linked with hatred or violence ...

I note the New South Wales parliamentary committee did not recommend the prescription of a phrase that is proposed here in Queensland as it was contested and therefore had ambiguity. This occurred in other jurisdictions and, I understand, also in Canada. How does this bill ensure there is no ambiguity when phrases are prescribed?

**Ms Allan:** Just to confirm, the bill does not prescribe any particular phrases but sets up a framework for the Attorney-General to prescribe a phrase. There are specific criteria that apply to the prescription of expressions under the bill. Before the Attorney-General can make a recommendation for a regulation to be prescribed, she must be satisfied of two things: firstly, that the expression is widely known by the public as being solely or substantially representative of an ideology of extreme prejudice against a relevant group or it is widely known by the members of a relevant group to be that. Additionally, she must also be satisfied that the expression is regularly used to incite discrimination, hostility or violence towards that particular group. Does that answer your question?

**Ms SCANLON:** It does.

**Ms MARR:** I have a similar question but on symbols so I assume the same process would apply. Is a regulation made by the Attorney-General prohibiting symbols subject to parliamentary scrutiny and oversight? If it is, can you explain the process of that oversight?

**Ms Allan:** Allowing the prescription of phrases by regulation, as with the existing prohibited symbols framework, allows the Attorney-General to flexibly add and remove symbols or phrases as required. This does not mean there is no oversight or accountability. There are the usual formal processes for tabling and disallowance and committee scrutiny of regulations once made. A regulation once made must be laid before the parliament and may be the subject of a disallowance motion for up to 14 sitting days. The Parliament of Queensland Act makes it a requirement for a portfolio committee to examine each item of subordinate legislation within its portfolio area and a committee may initiate inquiries as appropriate in relation to any matter within its portfolio area. The Attorney-General's decision to recommend the making of a regulation would also be amenable to challenge on administrative law grounds.

**Mr BERKMAN:** I want to return to the process for prescription of a prohibited expression. You have already been through those protected attributes that are a part of the relevant groups towards which discrimination, hostility or violence might be directed. I appreciate that this bill does not include the particular sayings, but we are obviously conducting this inquiry in the context of two phrases that the Premier has identified. I will turn to one of those specifically—'from the river to the sea'. That is a geographic reference. Essentially, it points to the state of Israel.

**CHAIR:** Do you have a question, member?

**Mr BERKMAN:** I am getting there, Chair, please. These are complex issues.

**CHAIR:** You are straying into aspects that are not in the bill. Go ahead.

**Mr BERKMAN:** If you listen to the question, you would hear how it is relevant to the bill, if you don't mind. 'River to the sea' is a geographic reference to essentially the state of Israel. Hamas in the listing on the Commonwealth website refers again to the state of Israel and makes no reference to religion, to any faith group. We would all be well aware there are countless religions and people of various faiths who live in the state of Israel. Can you explain to me how that statement 'from the river to the sea' is supposed to satisfy that link to a relevant group and the protected attributes of religion?

**Mrs Piper:** There are no expressions that are prescribed through the bill. I do not think it is appropriate for me to comment on any potential or hypothetical expressions given that that would be a matter for government in terms of what they prescribe.

**Mr BERKMAN:** With all respect, it is not hypothetical. This has been announced by the government for the precise purpose of this legislation.

**CHAIR:** Member, you are being argumentative. The representative from the department has answered that she cannot answer that. I will move on.

**Mr FIELD:** Can you confirm that it is not just about somebody saying the phrase? What additional requirements are there for persons who use that prohibited phrase to have committed an offence?

**Mr Impson:** The offence provides that the person must use the phrase in a way that reasonably might cause a person to feel menaced, harassed or offended. That test allows the court to take into account the context of the use of the phrase. It is not enough that the person used the phrase merely. That test must also be satisfied. Does that answer get to your question, member?

**Mr FIELD:** Thank you.

**Ms SCANLON:** Chair, I table a Google Trends document that shows that a large number of Queenslanders began searching one of the proposed prescribed phrases that will be criminalised post the passage of this bill. I acknowledge the department is saying they cannot provide advice about the government's announcement of those two expressions. My question is more broad. How would 'widely known by the public' be defined? Given the chair of this committee has said phrases mean different things to different people, how does this bill ensure there is no ambiguity?

**Mr Impson:** I think the starting point for the question is that the bill does not define what is widely known. It is a matter for the Attorney-General to be satisfied of. The Attorney-General will be able to satisfy herself using evidence that she sees fit to meet the test.

**CHAIR:** I have a question about 3D printed firearms. How prevalent are they—this emerging trend we are seeing—and how will these new provisions assist police in dealing with those matters?

**Assistant Commissioner Connors:** The trend of the emergence of 3D printed firearms is occurring exponentially across jurisdictions like Queensland and other Australian states because of the ready access to printing materials and printers and the availability of 3D blueprints to enable that printing to occur. Technology has improved to the point that several years ago a 3D printed firearm was actually dangerous to a user and potentially may misfire or malfunction. They have progressed to the point that they are quite functional and sophisticated in their nature. By the very fact that an individual can privately manufacture them at home or in a remote location—they can fashion either an entire firearm or component parts of a firearm—they are becoming quite concerning. The availability of printers and that material and sophistication is deeply concerning to police.

**CHAIR:** How common is it for police at the moment to be finding 3D printed firearms? Is it an emerging issue?

**Assistant Commissioner Connors:** We are finding quite a lot. I do not have the figure handy, but there was a significant number recovered last year and tested for ballistic purposes. I will just dig that up.

**Insp. Henderson:** If I may assist the committee, in 2025, 42 firearms were categorised as being 3D printed firearms. That represented eight per cent of all the items categorised by the QPS ballistics unit.

**Assistant Commissioner Connors:** That is not an insignificant number and that number is rising, as is the sophistication of these items. The material that we are putting forward is designed to mitigate that risk and take proactive steps to reduce the availability of the blueprints to allow people to print that material but also potentially to convert component parts, duplicate component parts and clone legitimate firearms et cetera.

**CHAIR:** Further to that—

**Ms MULLEN:** Is that three questions, Chair?

**CHAIR:** I have a follow-up question on that. We do have another half an hour or more to go.

**Ms MULLEN:** No.

**CHAIR:** You have thrown my train of thought. I am going to take longer now. We have had some evidence from Sporting Shooters' Association expressing concern that it is quite common for people to legitimately 3D print components when repairing old firearms. Does this new provision impact them?

**Assistant Commissioner Connors:** No. I am not aware of the impact of legitimately printed component parts because there are no legitimately printed parts by private shooters that are component parts of a firearm itself.

**Mr BERKMAN:** I want to return to the offence provision around recital, distribution or display of prohibited expressions. That provision requires that a person use a prohibited expression in a way that might 'reasonably be expected to cause a member of the public to feel menaced, harassed or offended'. 'Reasonably be expected to' notionally brings in some kind of objective test. Accepting that the chair said previously today phrases mean different things to different people, should a person make an explanation of what they mean by the use of a particular phrase, effectively would that satisfy the test around the reasonableness of using a prohibited expression?

**Mrs Piper:** Sorry, I do not actually understand the last part of the question.

**Mr BERKMAN:** If a person explains what they mean with a particular statement with an expression that is a prohibited expression, if they explain an alternative meaning beyond an interpretation that might lead to its prescription by the AG, would that satisfy the requirement that it is not being used in a way that could reasonably be expected to cause a member of the public to feel menaced, harassed or offended?

**Mr Impson:** The precise operation of any defence such as that would be a matter for the courts. The offence provision provides that, if the person has a reasonable excuse, they do not commit the offence and it provides a non-exhaustive list of how the defence applies. The test would operate on how a reasonable person might be expected to feel because of the use of the phrase.

**Mr BERKMAN:** I appreciate that. I am not actually talking about the defences that are set out below. To commit the offence it has to meet that threshold that it is used in a way that 'might reasonably be expected to cause a member of the public to feel menaced, harassed or offended'. Does an explanation of one's meaning in using a prescribed prohibited expression—

**Mrs Piper:** I do not think we can answer that. That would be a matter for the courts to determine.

**Mr BERKMAN:** So we do not even have clarity about that kind of fundamental operation of an offence provision that can make someone liable for two-years imprisonment?

**Mrs Piper:** I do not think it is about a lack of clarity. It is just that the determination of any particular situation is not a matter for us to comment on.

**Mr BERKMAN:** We have had plenty of witnesses who have indicated the fundamental precept of criminal law that the public needs to know in what circumstances they might be liable for criminal sanction.

**CHAIR:** Member, you are being argumentative. You asked the question, the question has been answered and you are being argumentative to the department. I ask you to cease doing that. If you have a further follow-up question I will allow it. However, do not be argumentative.

**Mr BERKMAN:** Certainly. Perhaps I will move back then to the process—the head of power for the Attorney-General to recommend the making of a regulation. Accepting that there are requirements for consultation before such a recommendation and regulation is made, the fact that it rests with the Attorney-General to simply be satisfied is ultimately a very wide discretion. Is that a fair assessment of the operation of that section?

**Mrs Piper:** As my colleague Kathryn said earlier, it does not mean that there is no oversight or accountability. I am happy to repeat it, but there are safeguards that are built into that process of making the regulations.

**Mr BERKMAN:** If I could follow up on that, as far as any—

**CHAIR:** Member, you have had quite a few questions now. We will come back to you.

**Ms MARR:** I have a question for the deputy commissioner. Can you explain the challenges that our frontline police face with respect to illegal guns and the misuse of firearms by criminals?

**Deputy Commissioner Scanlon:** It is a growing concern here in Queensland to see the number of firearms that get stolen every year. The limited number that are recovered is an ongoing challenge because firearms, as we know, last a lifetime. They are in the community for a very long time. Whilst we have various operations that run to try to recover those firearms, right around Queensland we have provided numbers in the material about the decline of that. Again, things like Operation Whiskey Firestorm and other things are directed solely at trying to recover stolen weapons and target those individuals in major organised crime who are involved in stealing weapons. It is an ongoing challenge for us. I will ask the Assistant Commissioner of Crime Command to comment further because it is something that requires a lot of coordination and it will, by having extra offences, help us to control some of the activities that pose significant risks.

**Assistant Commissioner Connors:** The issue is that firearms are highly sought after by criminals. They are becoming a tool of the trade, and once they are in a criminal's hand they tend to circulate for a long period of time. They are what I would describe as highly desirable, portable and valuable, so they tend to circulate for long periods. Yes, they do cause a significant concern.

Licensed firearms and licensed firearm owners are not the concern. The concern is weapons that are taken from licensed owners; weapons that are 3D printed; weapons that are cloned, defaced, cut down or altered that remain in circulation. They are of significant concern, and there is an elevated risk in the community from firearms that have been stolen.

Over the past five years we have had approximately 3,159 firearms stolen in Queensland. That is since 2021. That number is approximate of course because it does change as people come forward and report. On average, 135 of those are recovered each year—which is roughly one in five firearms. There is a significant market that is circulating illicit firearms. Some of the concerns relating to those obviously directly relate to the behaviours of organised criminals—the behaviour of criminals themselves and the behaviour of associates who maintain, hold and hide firearms for criminals. It does remain concerning to law enforcement generally.

With regard to 3D printed firearms, as was touched on before, not only are they becoming a huge concern here, my understanding—I do not wish to mislead the committee—is that at the Commonwealth level the Australian Federal Police are taking steps towards having a library of 3D printed firearms for ballistic testing because 3D printed firearms maintain different characteristics to commercially manufactured firearms and their barrels. That is the extent to which illicit firearms are of concern in the community. Frontline police are concerned by it and we have taken a number of

proactive steps to introduce operations around the state to tackle illicit firearms in the community and take proactive steps to target persons who use firearms. The material before the committee today is steps towards enhancing community safety and taking a preventive approach to try to mitigate the risk caused by illicit firearms in the hands of criminals and organised crime groups.

**Ms MULLEN:** Existing criminal and civil protections such as section 52A of the Criminal Code and section 124A of the Anti-Discrimination Act already apply. Did the department or QPS consider that the existing provisions in law were not effective, enforceable or appropriately balanced to protect the Queensland community?

**Mrs Robertson:** I think, Chair, the question is focusing on the advice that the department would give government in relation to the development of legislation so I do not think it is appropriate for us to answer.

**CHAIR:** I thought that but I knew you could give that response for me. Did you want to try again?

**Ms SCANLON:** Thank you, Chair. I have another question. The explanatory notes state that consideration was given to other Australian states and territories in respect of weapons legislation and the National Firearms Agreement. Noting Western Australia has mandatory checks for weapons licence holders and the coroner in the Wieambilla case recommended that mental health checks be looked into, which were not opposed in principle by the Queensland Police Service, was the matter of mandatory mental health checks investigated as part of the preparation of this bill and is the QPS still supportive of this measure?

**CHAIR:** Member, that is outside of the scope of this bill. I rule the question out of order.

**Ms SCANLON:** A point of order, Chair.

**CHAIR:** What is your point of order?

**Ms SCANLON:** I table a media release from the government which outlines that a ministerial health directive takes effect upon the passage of the bill. It says the Crisafulli government is making Queensland safer with new mandatory health checks and points to the fact that this is part of the nation-leading reforms that we are discussing here today, so I think it is highly relevant.

**CHAIR:** Can I have a look at that please before I rule on your point of order?

**Ms SCANLON:** I would also add that the department's submission outlines comparisons between jurisdictions. I am outlining one of the differences between other jurisdictions when it comes to weapons licensing.

**CHAIR:** The new mandatory mental health reporting requirements are part of the bill but you are asking a question about what was considered outside the scope of the bill in relation to mental health checks. That is outside the scope of the bill so there is no point of order. I rule the question out of order.

**Mr FIELD:** This is probably a question for Ms Jones. I see you sitting on the end there being a bit quiet! The bill expands the scope of a criminal history that can be considered by the assessing officer to include a history of violence, threatened violence and weapons offence even in circumstances where no conviction has been recorded. Does this expansion assist police in assessing whether an applicant is a fit and proper person?

**Ms Jones:** The bill will enable certain types of offences and facts to be taken into account in the assessment of whether an applicant is fit and proper, and that is regardless of whether there is a conviction recorded or a spent conviction.

**Mr BERKMAN:** I want to put a question to QPS about the operation of the prohibited expression offence. If we contemplate the circumstance of a big rally—estimates have varied about the rally that took place in October last year; QPS estimates accepted 10,000 people were there, other estimates were up to 50,000—where you have between 10,000 and 50,000 people who might be collectively reciting a prohibited expression, how does QPS respond to that? More specifically, is it a matter of discretion whether any, or who, of that crowd of people might be arrested and then subsequently have to rely on the defence included?

**Assistant Commissioner Connors:** I could give a generalised response to that, in that the circumstances at the time would be taken into consideration by the most senior people on the ground controlling that protest, demonstration or gathering obviously with the sole intention of maintaining community safety to determine that no-one was hurt, injured or otherwise. In terms of a blanket approach—I guess that is a hypothetical statement—in simple terms, I would suggest that police officers at protests would choose their moment and choose their mark in terms of intervening to protect community safety and ensure circumstances did not turn and put members at risk, police officers

themselves at risk or members of the community at risk in general. In broad terms, it would be on a circumstances type basis, but I say that in the context of it being a hypothetical question around the statement that you are talking about.

**Mr BERKMAN:** Certainly. In your response you said that officers would have to ‘choose their moment’ and ‘choose their mark’, so is a fair interpretation of those words that whether and when to lay charges in respect of this new offence provision is a matter at the discretion of an officer?

**Assistant Commissioner Connors:** The principle tenet of the office of constable is the independence of a police officer to make that determination in considering a number of factors: the sufficiency of evidence, the public interest test and things of that nature. The point I am trying to make is you do not want police officers to act rashly to inflame a situation that potentially has a catastrophic outcome on community safety, or impedes or interferes with the daily goings-on of the rest of the community. I hope that answers the question that you have posed.

**Mr BERKMAN:** It largely does. I certainly do not mean to broadly cast aspersions about QPS officers, but I think we can all appreciate that there have, in previous eras in Queensland, been circumstances where mass arrest was facilitated by the laws of the day. It was allowed and it did, in fact, happen under the laws of the day. I am curious to understand whether there is any actual practical safeguard in this legislation against the possibility of mass arrests and charges for the use of prohibited expressions.

**Deputy Commissioner Scanlon:** We are probably getting into the operational side of police business.

**Mr BERKMAN:** That is precisely where I am trying to go. Apologies, Deputy Commissioner.

**Deputy Commissioner Scanlon:** Behind me here today we have Inspector Bagley who manages our Major Events and Planning Unit. He has had oversight and been a member of police activities around thousands of protests that have been facilitated in Queensland. Those protests occur every day in the city and I think it is quite difficult to answer a hypothetical question about what happens. We are used to managing protests every single day and, depending on what has happened and how evidence might be recorded at the time as to how protests might have been attended to 30 years ago, it is a very different environment to the way we operate today. Again, I do not think we can speculate on a particular scenario. Each protest is different. We have all manner of behaviour in amongst those—peaceful and otherwise—at times that are dealt with very professionally by our team in the city.

As to your question about multiple people chanting, there are ways that we collect evidence. That does not necessarily mean police intervening at the time. It will depend on the circumstances, but certainly we have a highly experienced officer with us today who is well used to managing these things. I think it is probably speculative to make a statement about what you are suggesting today because we certainly do not respond the way we might have a very long time ago.

**CHAIR:** Could I unpack the new laws around covert policing and the reduction of the threshold from a five-year offence to a three-year offence? Have I understood that correctly, and how does that expand your ability to police in those areas?

**Mr Wilson:** In relation to the offence threshold, it is firstly important to note that that is just one of the criterion that is taken into account when a controlled operation is authorised. It is important to note that Queensland has, for the most part, adopted model laws in terms of controlled operations which set up a specific legislative framework. Now that offence threshold—currently set at seven years imprisonment—is significantly higher than what the model law actually suggested. The model law was to set that offence threshold at three years imprisonment. That is what is being seen across other Australian jurisdictions who did adopt the model laws, so we are seeing this proposed change. It actually brings Queensland into line with other jurisdictions.

If I turn specifically to section 244 of the Police Powers and Responsibilities Act, they are matters that the Controlled Operations Committee must have regard to prior to an operation being authorised. Firstly, yes, the police must be investigating a relevant offence. Coupled with that, though, is that there needs to be appropriate justification. The nature and extent of the suspected criminal activity must justify the conduct of the controlled operation. It is important to note that the controlled operation framework for Queensland sits alongside other states and other jurisdictions. We are part of model legislation regarding corresponding laws. Queensland recognises controlled operations interstate and vice versa. In addition to the appropriate justification, with controlled operations there are limits on unlawful criminal activity that can be conducted as part of the operation.

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Furthermore, controlled operations have strict reporting requirements. In Queensland, these are the strictest in the nation in terms of having the controlled operations committee itself. That does not occur in other jurisdictions. Furthermore, it is a requirement under section 244 that the operation will not be conducted in a way that makes it likely for a person to be induced to commit an offence that they would not have otherwise committed.

**Assistant Commissioner Connors:** I will add there that the oversight of that Controlled Operations Committee comprises an independent member of the Supreme Court or a District Court judge, the chair of the Crime and Corruption Commission or a nominee and the commissioner of the QPS or an appointed nominee. There is a rigorous regime of reporting and record keeping, including reports to the minister that are tabled. These changes do not expand the scope of immunity or weaken any oversight.

**CHAIR:** Thank you for that fulsome response.

**Ms SCANLON:** I note from the briefing paper at page 8 that hundreds of firearms are stolen each year and I note that the CCC earlier this week indicated that crime does not have borders and nationally consistent laws are beneficial. As such, did the Queensland Police Service or the Department of Justice consider the benefits of supporting a national gun buyback scheme to reduce the availability of weapons that can be added to the illicit market.

**CHAIR:** Member, you are asking about policy again. I will allow the witnesses to confirm that, if they want to give any response, but I think that is a policy question for government. Again, I rule it out of order.

**Ms MARR:** We heard from the Shooters Union today that they are quite happy with the laws. I asked a question about raising the penalty for the stealing of firearms from 10 to 14 years, and the positive way they are going to use that. My question to you is: do you think that raising that penalty for stealing firearms ammunition from 10 to 14 years will help deter theft?

**Assistant Commissioner Connors:** In line with what I have already told the committee, there certainly is an elevated firearms risk environment. These items are highly desirable and highly sought after. The existing laws have been reactive and fragmented and we are looking to get on the front foot in terms of deterring serious weapons crime, disrupting preparation and planning and managing high-risk individuals—and, obviously, illicit firearms—in the best way possible.

**Ms MULLEN:** Point of order, Chair: due to the fact that we still have a number of questions that we would like to ask the department, I move—

That the committee resolves to allow all members of the committee to submit questions on notice by 3 pm today to the secretariat and to be responded to by the department by 5 pm Friday, 20 February.

**CHAIR:** I declare the public briefing closed. We will move to a private meeting to decide that motion.

**The committee adjourned at 2.15 pm.**