

**BRIEFING NOTE TO THE
JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE
REGARDING THE
FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF
TERRORISTS AND CRIMINALS AMENDMENT BILL 2026**

BACKGROUND

On 14 December 2025, a horrific terrorist attack by two gunmen at Sydney’s Bondi Beach targeted attendees and others at a Hanukkah celebration tragically killing 15 individuals, including a 10-year-old child.

State and Federal governments have responded to this terrible event by considering a range of new measures that address antisemitism and can limit the risks posed by individuals with extremist ideologies who may have access to firearms.

The Queensland Government has committed to deliver reforms that are targeted at preventing the misuse of weapons by terrorists and criminals and respond to the scourge of antisemitism in the community.

On 10 February 2026, the Honourable Daniel Purdie MP, Minister for Police and Emergency Services introduced the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (the Bill) into the Legislative Assembly of Queensland. The Bill delivers on the Government’s commitment.

Explanatory notes accompanying the Bill outlined its objectives are to:

- strengthen the prohibition of the public use of hate symbols, ensuring it effectively combats their promotion and protects community safety and social cohesion;
- prohibit the use of expressions used to incite discrimination, hostility or violence towards certain groups;
- protect faith communities by ensuring people are not intimidated while accessing places of worship;
- modernise criminal offences related to religious worship to align with contemporary drafting practices and increase maximum penalties;
- increase the maximum penalty for stealing a firearm or ammunition to 14 years imprisonment;
- introduce a new offence under the Criminal Code that prohibits acts done in preparation for, or planning, an offence likely to cause the death or grievous bodily harm of another;
- amend section 540 ‘Preparation to commit crimes with dangerous things’ of the Criminal Code by clearly stating the offence applies in relation to dangerous or offensive weapons or instruments;
- impose as a combined suite of reforms, the strongest maximum penalties in Australia for a range of offences in the *Weapons Act 1990* (Weapons Act) to deter criminal behaviour that endangers community safety;
- introduce a specific offence prohibiting the reckless discharge of a weapon towards a building or a vehicle;

- introduce new offences within the Weapons Act prohibiting the possession and distribution of a blueprint material for the manufacture of a firearm on a 3D printer or electronic milling machine;
- prescribe additional offences as Adult Crime, Adult Time arising from the seriousness of the new offences introduced or maximum penalties imposed;
- require that a Queensland weapons licence holder must, unless limited exceptions apply, be an Australian citizen;
- broaden the scope of an individual’s history that may be considered in firearms licensing decisions to include information about violent and weapons-related offences, irrespective of whether a conviction is spent or not recorded;
- strengthen the effectiveness of the Firearm Prohibition Order (FPO) scheme which is designed to deter high-risk individuals from acquiring, possessing, or using firearms;
- reform controlled operations legislation under Chapter 11 of the *Police Powers and Responsibilities Act 2000* (PPRA) to enable police to frustrate criminal activity;
- expand the scope of offences that may be investigated through the use of controlled operations, controlled activities and surveillance device warrants;
- maintain the existing electronic service provisions for official warnings for consorting and police banning notices;
- strengthen intelligence and information-sharing by formalising information sharing with the Australian Defence Force (ADF); and
- strengthen the storage requirements for category A, B, C, E and M weapons by requiring these weapons to be stored exclusively in solid steel containers.

AMENDMENTS TO THE CRIMINAL CODE

The Criminal Code amendments—focussing on strong penalties and targeted measures addressing terrorist symbols, hateful expressions and protections for faith communities—provide a comprehensive and robust criminal justice response to the rise of antisemitism. Additionally, the Criminal Code amendments include provisions on firearms, including penalties for stealing firearms or ammunition and preparation for serious violence, to enhance community safety and prevent firearm violence. The amendments complement, but are not identical to, existing Queensland and Commonwealth laws protecting against hate and extremist ideology.

Prohibited symbols (c11 4, 6 and 15)

Existing framework in Queensland

It is a criminal offence to publicly distribute, publish or publicly display a prohibited symbol in a way that would reasonably cause a member of the public to feel menaced, harassed or offended unless the person has a reasonable excuse.¹

Under this test of harm, it will not be enough for the conduct to be expected to cause a slight offence or insult. Instead, menacing or harassing conduct is conduct that is threatening or involves repeated attacks.² It must also be conduct that is capable of causing an ordinary member of the public to experience this harm.

¹ Criminal Code (Qld) s 52D.

² *Monis v The Queen* (2013) 249 CLR 92, 202-203 [310].

A ‘prohibited symbol’ is a symbol or image prescribed by regulation as a graphic representation, or symbols which so nearly resemble a prescribed symbol they are likely to be confused with or mistaken for that symbol.³ This latter part of the definition ensures that stylistic variations or imitations of prohibited symbols, which may carry the same harmful intent or impact, are also captured under the offence.

To prescribe a prohibited symbol, the Attorney-General (as the Minister administering the Criminal Code) must be satisfied that the symbol is known by the public or by members of a relevant group to be associated with ideologies of extreme prejudice against the relevant group.⁴ A ‘relevant group’ means a group of persons who identify with each other on the basis of an attribute or characteristic that is, or is based on, the race, religion, sexuality, sex characteristics or gender identity of the persons.⁵

The Attorney-General must consult with the chairperson of the Crime and Corruption Commission, the Human Rights Commissioner and the commissioner of the police service in relation to the symbol before making a recommendation for the prescription by regulation of a prohibited symbol.⁶

Reasonable excuses that may apply to publicly distributing, publishing or publicly displaying prohibited symbols are expressly stated to include:⁷

- genuine artistic, religious, educational, historical, legal or law enforcement purposes
- conduct occurring for a purpose that is in the public interest, such as publishing a fair and accurate report of an event or matter of public interest or engaging in a genuine political or public debate
- conduct that is in opposition to the ideology the prohibited symbol represents.

For these reasonable excuses to apply the person’s conduct must, in the circumstances, be reasonable for that purpose.⁸ An accused person may also raise other reasonable excuses. An accused person is required to point to evidence to raise a reasonable excuse.⁹ Where the accused person satisfies this evidential burden, the prosecution must then negative the excuse beyond reasonable doubt.

If a police officer reasonably suspects someone has committed or is committing this offence, they can stop, detain and search the person¹⁰ or their vehicle¹¹ without a warrant. Any relevant evidence found during the search can be seized to support prosecutions.

Commonwealth offences

The Queensland offence complements Commonwealth offences which criminalise the public display of prohibited Nazi symbols and prohibited organisation symbols.¹²

The Nazi Hakenkruz and double-sig rune, including things that closely resemble and may be confused with these symbols, are ‘prohibited Nazi symbols’.¹³

³ Criminal Code (Qld) s 52C.

⁴ Criminal Code (Qld) s 52C.

⁵ Criminal Code (Qld) s 52C.

⁶ Criminal Code (Qld) s 52C.

⁷ Criminal Code (Qld) s 52D(2)(a).

⁸ Criminal Code (Qld) s 52D(2)(b).

⁹ Criminal Code (Qld) s 52D(3).

¹⁰ *Police Powers and Responsibilities Act 2000* (Qld) s 30(1)(ha).

¹¹ *Police Powers and Responsibilities Act 2000* (Qld) s 32(2)(a)(ii).

¹² Criminal Code (Cth) ss 80.2H, 80.2HA.

¹³ Criminal Code (Cth) s 80.2E(2).

‘Prohibited organisation symbols’¹⁴ include symbols used by terrorist organisations,¹⁵ state sponsors of terrorism¹⁶ or prohibited hate groups¹⁷ for identification, including things that closely resemble and may be confused with these symbols.

Changes introduced by the Bill

Expanding the prohibited symbols framework to include symbols of terrorist organisations and state sponsors of terrorism

To protect Queenslanders from the harm that the public display of symbols representing extreme violence or hateful ideologies can cause, the Bill enables the Attorney-General to prescribe particular, classes of, or all terrorist organisations and state sponsors of terrorism under the Criminal Code (Cth) as ‘prescribed organisations’. The Bill then extends the operation of the existing prohibited symbols offence to encompass the symbols of prescribed organisations.

As the Commonwealth has protocols and legislative criteria for listing terrorist organisations¹⁸ and state sponsors of terrorism¹⁹, there are no additional criteria or consultation requirements applying to the Queensland Attorney-General’s decision to prescribe a terrorist organisation or state sponsor of terrorism as a prescribed organisation. The Attorney-General need only be satisfied that the entity is a terrorist organisation or state sponsor of terrorism under the Criminal Code (Cth).

The prohibited symbols offence will apply to a symbol used by a prescribed organisation or its members to identify the organisation or any part of the organisation²⁰ – under the Bill this is a ‘relevant prohibited symbol’.

Because a prescribed organisation may use many symbols, the offence will apply only if the accused person knew, or ought reasonably to have known, that the symbol was used by a prescribed organisation or a member of prescribed organisation to identify the organisation or any part of the organisation. This constructive knowledge element means a court must find that a reasonable person in the accused’s position would have recognised the symbol as being used by a prescribed organisation in this way.

The existing defence of a reasonable excuse (discussed above) will apply to the offence and will continue to operate to protect legitimate forms of expression and political communication.

The existing warrantless search powers (discussed above) will continue to apply to the prohibited symbols offence as expanded by the Bill.

The Commonwealth offences for displaying a prohibited symbol will continue to apply in Queensland.

Further, the Queensland prohibited symbols offence will continue to apply to other prescribed symbols, namely those symbols prescribed as an image or graphic representation of a symbol

¹⁴ Criminal Code (Cth) s 80.2E(3).

¹⁵ ‘Terrorist organisation’ has the meaning given by Criminal Code (Cth) div 102.

¹⁶ ‘State sponsor of terrorism’ has the meaning given by Criminal Code (Cth) div 110.

¹⁷ ‘Prohibited hate group’ has the meaning given by Criminal Code (Cth) div 114A.

¹⁸ ‘Protocol for listing terrorist organisation’, *Australian National Security* (Webpage) <<https://www.nationalsecurity.gov.au/what-australia-is-doing/terrorist-organisations/protocol-for-listing>>.

¹⁹ ‘State sponsors of terrorism’, *Australian National Security* (Webpage) <<https://www.nationalsecurity.gov.au/what-australia-is-doing/state-sponsors-of-terrorism>>.

²⁰ Cl 4 of the Bill.

under the current prescription framework. There will be no requirement for the prosecution to establish any knowledge on the part of the accused person in relation to the symbol displayed.

The retention of the existing process for prescribing symbols on an individual basis is important to ensure the protection of Queenslanders from harmful symbols of hate that are not linked to any terrorist organisation or state sponsor of terrorism.

Increasing penalties

The penalty for the prohibited symbols offence will increase from 70 penalty units or 6 months imprisonment to 150 penalty units or 2 years imprisonment.²¹

Clarifying the form in which a symbol may be prescribed

The Bill allows a symbol to be prescribed using a written description, a graphical representation, or both. This provides more flexibility compared to the current requirements, which only allow graphical representations.²²

Prohibited expressions (cll 4-5, 7 and 19-20)

To further protect Queenslanders from the spread of ideologies that are unambiguously linked with hatred or violence against certain groups, the Bill introduces an offence for the public use of prohibited expressions, with a maximum penalty of 150 penalty units or 2 years imprisonment, consistent with the proposed increase to the prohibited symbols offence.²³

A ‘prohibited expression’ is defined in the Bill as one that is prescribed by regulation and includes expressions that so nearly resemble a prohibited expression that it is likely to be mistaken for one to ensure that minor variations in wording may be captured by the offence.²⁴

Prohibited expressions can only be prescribed where the Attorney-General is 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 the relevant group; and
- is regularly used to incite discrimination, hostility or violence towards the relevant group.

A relevant group is defined consistently with its use under the prohibited symbols framework.²⁵

These criteria ensure that only expressions which represent extreme prejudice and are regularly used to harm relevant groups can be prescribed as a prohibited expression.

Additionally, the existing requirement for the prescription of prohibited symbols that are not symbols of prescribed organisations to consult with the chairperson of the Crime and Corruption Commission, Human Rights Commissioner and the Police Commissioner will apply.

The Bill introduces a new offence to apply where a person publicly recites, distributes, publishes or displays a prohibited expression in a way that could reasonably be expected to make a member of the public feel menaced, harassed or offended.²⁶

²¹ Cl 6 of the Bill.

²² Criminal Code (Qld) s 52C(2).

²³ Cl 7 of the Bill.

²⁴ Cl 4 of the Bill.

²⁵ Criminal Code (Qld) s 52C(5).

²⁶ Cl 6 of the Bill.

The offence encompasses both written and spoken use of expressions, such as chanting or displaying placards at a protest. The offence adopts the same formulation for the harm that must be established as the prohibited symbol offence (discussed above).

A non-exhaustive list of what may constitute a reasonable excuse is also provided for this new offence, replicating those that apply to the prohibited symbols offence (discussed above). The operation of the reasonable excuse defence recognises that a person may have a genuine purpose for using a prohibited expression such as a genuine religious or genuine political or other public dispute purpose that is carried out in the public interest.

Further, the Bill provides police with the same warrantless search powers applying to the current prohibited symbols offence.²⁷

The offence is intended to operate in concert with the existing criminal and civil protections for serious vilification²⁸ by putting it beyond doubt that the use of prohibited expressions is unacceptable. The offence offers an effective, enforceable and appropriately balanced criminal justice response to protect the community from the distress, fear and insecurity caused by the use of expressions associated with hateful or extremist ideologies.

Below is an overview of maximum penalties for the prohibited symbols and expressions offences in the Bill.

Offence	Current maximum penalty	As amended by the Bill
Prohibited symbols	70 penalty units <i>or</i> 6 months	150 penalty units <i>or</i> 2 years
Prohibited expressions	New offence	150 penalty units <i>or</i> 2 years

Offences relating to religious worship (cII 8-9, 11 and 15)

Amendments to existing offences in Queensland

The Bill addresses conduct that impacts Queenslanders’ ability to freely exercise their religion by amending existing offences and inserting a new offence into Chapter 21 *Offences relating to religious worship*; and providing for a new special case of punishment for wilful damage to a place of worship under the Criminal Code.

Importantly, these protections apply to worshippers, places and ministers of all religions. In line with the existing approach under the Criminal Code, the Bill continues to leave the essential concepts of ‘minister of religion’, ‘religion’ and ‘place of religious worship’ undefined. This approach ensures that courts are not limited in their interpretation of these terms and that their meaning is capable of evolving over time.

Protecting ministers of religion

It is currently an offence to prevent, obstruct, assault or arrest a minister of religion while they are performing, or going to or returning from officiating in a place of religious worship or at lawful burials.²⁹ The maximum penalty for this offence is 2 years imprisonment.

The offence is based on historical laws that prohibited the arrest of clergy while performing religious services or duties. Over time, these laws were expanded to include preventing or

²⁷ CII 19 and 20 of the Bill.

²⁸ *Anti-Discrimination Act 1991* (Qld) s 124A; Criminal Code (Qld) s 52A.

²⁹ Criminal Code (Qld) s 206.

obstructing ministers from conducting religious services or burials, as well as assaulting or using violence against them during these duties. The origins of some additional elements in the broader offence are historically obscure.

The Bill³⁰ updates this offence to modernise its language, remove outdated concepts and increase the maximum penalty from 2 years to 5 years imprisonment.

The modernised offence applies to assaults on ministers of religion that hinder or prevent them from lawfully officiating at a meeting of persons assembled for religious worship, lawfully officiating at a religious ceremony (such as a wedding, funeral or other religious rite), or performing other religious functions (such as pastoral care, religious education or spiritual counselling). Non-spiritual activities, such as administrative or financial duties, are excluded.

Disturbing religious worship

It is also an offence to wilfully disturb a lawful religious worship meeting or assault someone attending or officiating at such a meeting. The maximum penalty for this offence is currently \$10 or 2-months imprisonment.³¹ Where the offence is motivated by hatred or serious contempt for a person or group based on attributes listed in section 52B of the Criminal Code, such as race and religion, the maximum penalty is 6 months imprisonment.

The Bill modernises the language of this offence and increases the penalty. The maximum penalty for the simpliciter offence is raised to 20 penalty units or 6 months imprisonment, and the aggravated offence to 1 year imprisonment. The reference to assault is removed. Assaults will continue to be able to be prosecuted under other Criminal Code assault offences which carry higher penalties in line with community expectations.³²

Introduction of new offences

Obstructing access to places of worship

The Bill introduces a new offence targeting conduct near places of religious worship that intimidates, harasses, obstructs or prevents access for those attending a meeting of persons lawfully assembled for religious worship. The offence will apply to conduct occurring where a person is, or is attempting to, enter or exit the place of worship. This new offence carries a maximum penalty of 3 years imprisonment and includes behaviours like blocking access or threatening behaviour that does not amount to the level of an assault.

Increased penalties for damaging places of worship

Section 469 of the Criminal Code outlines the offence of wilful damage, which occurs when a person wilfully and unlawfully destroys or damages property belonging to another person. The maximum penalty is 5 years imprisonment, but higher penalties apply where the section 52D circumstance of aggravation applies; and also in particular cases, referred to as 'special cases of punishment'.

The Bill introduces a new special case of punishment for wilful damage to places of religious worship, increasing the maximum penalty to 7 years imprisonment. This ensures stronger penalties for any damage to these premises and highlights the seriousness of such offences.

³⁰ Cl 8 of the Bill.

³¹ Criminal Code (Qld) s 207.

³² See Criminal Code (Qld) ch 30.

Below is an overview of the maximum penalties for offences relating to religious worship in the Bill.

Offence	Current maximum penalty	As amended by the Bill
Violence against religious ministers	2 years	5 years
Disturbing worship simpliciter	\$10 <i>or</i> 2 months	20 penalty units <i>or</i> 6 months
Disturbing worship — vilification circumstance of aggravation	6 months	1 year
Intimidation at places of worship	New offence	3 years
Wilful damage to a place of worship	3 years	7 years
Wilful damage — vilification circumstance of aggravation	7 years	7 years

Increasing the maximum penalty for stealing a firearm or ammunition to 14 years imprisonment

Hundreds of firearms are stolen in Queensland each year, with approximately 775 firearms stolen in 2023, 609 in 2024 and 581 in 2025. Recovery rates of these firearms are low. In 2023, 191 stolen firearms were recovered (representing a recovery rate of 25%). In 2024, 122 stolen firearms were recovered (representing a recovery rate of 20%) and in 2025, 102 firearms were recovered (representing a recovery rate of 18%). These low recovery rates translate in real terms to an increase every year in the number of illicit firearms circulating within Queensland.

This problem is compounded by the durability of firearms, meaning illicit firearms can remain functional and in continued use by criminals for many years. It is common for police officers to seize firearms that have been in illicit circulation for decades. For example, the firearm used to murder Constable Brett Irwin at Ferny Hills in 2007 was a Luger pistol most likely manufactured during World War One. An increased availability of illicit firearms in Queensland subsequently increases the risk that these weapons may come into the possession of high-risk individuals and be used in the commission of an offence. The Queensland Police Service (QPS) is aware that illicit firearms are widely traded and used as currency by criminal networks.

The restriction of the illicit firearms markets can be achieved through a range of measures including the provision of a greater deterrence for the stealing of firearms. Currently, the maximum penalty under the Criminal Code for stealing a firearm or ammunition is 10 years imprisonment. This maximum penalty increases to 14 years if the person stole the firearm with the intention that the firearm was to be used to commit an indictable offence. This circumstance

of aggravation is limited to instances where, at the time of stealing the firearm, the offender intended for the firearm to be used to commit other indictable offences. It would not apply to circumstances where an offender stole a firearm and later formed an intention to use the firearm to commit further offences.

The Bill will address the seriousness of stealing firearms by increasing the maximum penalty for stealing a firearm or ammunition from 10 years imprisonment to 14 years imprisonment and will omit the current circumstance of aggravation to stealing of a firearm or ammunition that requires an offender to intend that the firearm is used to commit other offences. Further amendments in the Bill will list this circumstance of aggravation in section 175A of the *Youth Justice Act 1992* increasing the sentencing options that may be available for a child that commits this offence.

New offence of acts in preparation for serious violence and amendment to section 540 of the Criminal Code

There currently exists a legislative gap where grievance fuelled, lone actors can conduct significant planning and preparation to commit serious offences of violence, including mass casualty attacks, potentially without committing any criminal offence. This is a real and not just a theoretical gap.

Under Queensland law, it is an offence for two individuals to conspire to kill another person, even though the killing does not eventuate. It is also an offence to cause a person to receive a document which contains a threat to kill, even though the killing does not eventuate. Under Commonwealth law, it is an offence under section 101.6 of the Criminal Code (Cth) for a person to conduct acts in preparation to commit a terrorist act even though the terrorist act is not carried out and in circumstances where the person has not decided precisely what he or she intends to do.³³ However, where a person conducts planning activities to commit serious acts of violence that do not constitute an attempt and do not amount to terrorism, there might not be any applicable offence.

The Criminal Code contains multiple preparatory offences. These offences apply in circumstances where an offender has engaged in preparatory conduct insufficient to satisfy an attempt. Preparatory offences currently in the Criminal Code include:

- Section 228I – Producing or supplying child abuse object;
- Section 425 – Possessing a thing used in connection with unlawful entry;
- Section 510 – Instruments and materials for forgery; and
- Section 540 – Preparation to commit crimes with dangerous things.

In *Lodhi v R*,³⁴ Spigelman CJ stated the following in relation to preparatory offences:

“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

³³ *Lodhi v R* [2006] NSWCCA 121.

³⁴ *Ibid*, [66].

the prevention of terrorism requires criminal responsibility to arise at an earlier stage than is usually the case for other kinds of criminal conduct, e.g. well before an agreement has been reached for a conspiracy charge. The courts must respect that legislative policy.”

The current security environment within Australia is significantly different to that faced in 2002 when the terrorism offences, including acts in preparation for a terrorist act under section 101.6 of the Criminal Code (Cth), were introduced. During the latest ASIO Annual Threat Assessment, on 19 February 2025, Mike Burgess, the Director-General of Security stated:

“Over the next five years, a complex, challenging and changing security environment will become more dynamic, more diverse and more degraded.”³⁵

Difficulties are being faced in applying the current terrorism laws to contemporary issues, due to individuals “cherry-picking seemingly antithetical ideologies to create new, hybrid beliefs”.³⁶ As noted in Australia's Counter-Terrorism and Violent Extremism Strategy 2025, “Countering violent extremism and terrorism requires constant vigilance. All levels of government need to work together seamlessly with the support of effective laws and frameworks”.

No Australian jurisdiction currently has an offence for acts in preparation to commit serious violence.

The legislative gap has been acknowledged in the United Kingdom, after the Southport knife attack on 29 July 2024 where 3 girls were killed and 10 other people injured at a Taylor Swift-themed dance class. Following that attack, the United Kingdom Independent Reviewer of Terrorism Legislation was tasked with considering the United Kingdom’s definition of terrorism. The Independent Reviewer recommended against changing the definition of terrorism and instead recommended that the United Kingdom Government consider creating a new offence, adapted from terrorism legislation, to deal with non-terrorist mass casualty attack-planning. The Independent Reviewer noted that “there is a real and not theoretical gap for lone individuals who plan mass killings”.³⁷ The Independent Reviewer recommended the new offence applies where an individual, with the intention of killing two or more persons, engages in any conduct in preparation for giving effect to this intention with a suggested maximum penalty for the new offence of life imprisonment.

On 13 March 2025, the United Kingdom Minister for State Security provided a statement in response, accepting and strongly supporting the Independent Reviewer's recommendation to create a new offence where an individual intends to kill two or more persons and prepares for such an attack. The United Kingdom Government has committed to amending their legislation to close the gap identified by the Independent Reviewer once they have considered practical and ethical issues, including:

- the number of proposed victims to constitute the offence;
- whether the new offence should be confined to an intention to kill or include planning to cause serious injury or use sexual violence;
- the level of preparation required for the offence; and

³⁵ Mike Burgess, Director-General of Security, ASIO Annual Threat Assessment 2025.

³⁶ Ibid.

³⁷ Independent Review on Classification of Extreme Violence Used in Southport Attack on 29 July 2024, Jonathan Hall KC, Independent Reviewer of Terrorism Legislation, 13 March 2025.

- what evidence would be required to show what is being prepared.³⁸

In relation to current Queensland law, the offence provision under section 540 of the Criminal Code partly addresses the legislative gap through prohibiting a person from making or possessing an explosive or other dangerous or noxious thing with the intent to commit a crime by using the thing or enabling anyone to commit a crime by using the thing. However, the range of things that fall within the ambit of a ‘dangerous or noxious thing’ is not expressly stated and arguably may not currently capture the possession of knives and other bladed weapons to commit crimes.

The Bill addresses the legislative gap and potential lack of clarity by creating a new offence that prohibits acts done in preparation to commit an offence likely to cause death or grievous bodily harm and amends section 540 of the Criminal Code which will ensure dangerous or offensive weapons and instruments are clearly captured by the offence.

AMENDMENTS TO THE *WEAPONS ACT 1990*

Increasing the maximum penalties for offences under the *Weapons Act 1990* to deter criminal behaviour that endangers community safety

The Bill increases the maximum penalty of certain offences within the Weapons Act to deter criminal behaviour that endangers the community. The offences nominated in the Bill either, due to their inherent serious nature, or their direct association with other offences, pose a high risk to community safety.

These offences are:

- Section 65 ‘Unlawfully trafficking in weapons’ of the Weapons Act;
- Section 50B ‘Unlawful supply of weapons’ of the Weapons Act;
- Section 50 ‘Possession of weapons’ of the Weapons Act;
- Section 69(1A) ‘Armourers to be licensed’ of the Weapons Act;
- Section 61 ‘Shortening firearms’ of the Weapons Act;
- Section 62 ‘Modifying construction or action of firearms’ of the Weapons Act; and
- Section 63 ‘Altering identification marks of weapons’ of the Weapons Act.

In developing the Bill, relevant legislation from other jurisdictions were considered. A comprehensive comparison of the penalties imposed for this range of offences by other jurisdictions is provided in **Attachment 1**.

Increasing the maximum penalty for the offence of unlawful trafficking of weapons

Section 65 ‘Unlawfully trafficking in weapons’ of the Weapons Act prohibits the unlawful trafficking in weapons or explosives. Currently, if the weapon trafficked is a category H or R weapon, the maximum penalty is 20 years imprisonment. If the weapon trafficked is a category A, B, C, D, or E weapon, a category M crossbow or explosives, the maximum penalty for committing the offence is 15 years imprisonment.

³⁸ Crime and Policing Bill 2025, House of Commons Public Bill Committee, Fourth Sitting, 1 April 2025.

The Bill recognises that a greater maximum penalty should be applied to the unlawful trafficking of weapons as the consequences of the misuse of weapons and, in particular firearms, can be dire, providing justification for adopting every legitimate measure to deter the business of unlawful trafficking of firearms.

Further, recent events have highlighted that the rationale for retaining a higher maximum penalty for trafficking category H or R weapons in comparison to other weapons categories may be questioned. For example, category H weapons include a firearm under 75 cm in length and include an air pistol and a blank-fire firearm. This category of firearms undoubtedly presents a danger to the community as these firearms may be easily concealable. However, a considerable range of firearms listed in other categories may be much more accurate over long distances, have far more destructive capabilities and present a greater danger to the community. For example, a category D weapon includes a self-loading shotgun with a magazine capacity of more than 5 rounds, yet the maximum penalty that may be imposed for trafficking this weapon is lower than a category H weapon which may include an air pistol that has limited lethality.

The Bill imposes the maximum penalty of life imprisonment for unlawful trafficking of a weapon regardless of the weapons category that the weapon falls into. This is consistent with an analogous provision found in section 5 ‘Trafficking in dangerous drugs’ of the *Drugs Misuse Act 1986* which prohibits the business of unlawful trafficking of dangerous drugs and provides a maximum penalty of life imprisonment. It may be noted that the offence of drug trafficking does not provide for different maximum penalties dependent upon the dangerous drug being trafficked.

Increasing the maximum penalty for the offence of unlawful supply of weapons

Section 50B ‘Unlawful supply of weapons’ of the Weapons Act prohibits the unlawful supply of a weapon. This section provides maximum penalties that escalate depending upon the quantity of weapons possessed and the danger presented by the weapon itself. These maximum penalties are currently as follows:

- If the person unlawfully supplies 5 or more weapons – 500 penalty units or 10 years imprisonment;
- If the person unlawfully supplies 5 or more weapons at least 1 of which are category D, E, H or R weapons – 13 years imprisonment;
- If the person supplies a category D, H or R weapon – 500 penalty units or 10 years imprisonment;
- If the person supplies a category C or E weapon – 300 penalty units or 7 years imprisonment; or
- If the person supplies a category A, B or M weapon – 200 penalty units or 4 years imprisonment.

The Bill recognises that the unlawful supply of weapons is fundamental to the trade of firearms within the illicit firearms market. Increasing the maximum penalty for this offence as a deterrence to this behaviour is justifiable, particularly as there is criminal intelligence to suggest that organised crime is an active participant in this market.

The Bill increases the maximum penalties for section 50B of the Weapons Act as follows:

- If the person unlawfully supplies 5 or more weapons – the new maximum penalty will be 750 penalty units or 15 years imprisonment;
- If the person unlawfully supplies 5 or more weapons at least 1 of which are category D, E, H or R weapons – 1000 penalty units or 20 years imprisonment;
- If the person supplies a category D, H or R weapon – 750 penalty units or 15 years imprisonment;
- If the person supplies a category C or E weapon – 600 penalty units or 12 years imprisonment; or
- If the person supplies a category A, B or M weapon – 500 penalty units or 10 years imprisonment.

Increasing the maximum penalty for the offence of unlawful possession of weapons

Section 50 ‘Possession of weapons’ of the Weapons Act prohibits the unlawful possession of a weapon. This section provides maximum penalties that escalate depending upon the quantity of weapons possessed and the danger presented by the weapon itself. These maximum penalties are as follows:

- If the person unlawfully possesses 10 or more weapons – 500 penalty units or 10 years imprisonment;
- If the person unlawfully possesses 10 or more weapons at least 5 of which are category D, E, H or R weapons – 13 years imprisonment;
- If the person possesses a category D, H or R weapon – 300 penalty units or 7 years imprisonment;
- If the person possesses a category C or E weapon – 200 penalty units or 4 years imprisonment; or
- If the person possesses a category A, B or M weapon – 100 penalty units or 2 years imprisonment.

The Bill recognises that the unlawful possession of weapons is generally a precursor for other serious offences and increases the maximum penalties for section 50 of the Weapons Act as follows:

- If the person unlawfully possesses 10 or more weapons – the new maximum penalty will be 750 penalty units or 15 years imprisonment;
- If the person unlawfully possesses 10 or more weapons at least 5 of which are category D, E, H or R weapons – 1000 penalty units or 20 years imprisonment;
- If the person possesses a category D, H or R weapon – 700 penalty units or 14 years imprisonment;
- If the person possesses a category C or E weapon – 500 penalty units or 10 years imprisonment; or
- If the person possesses a category A, B or M weapon – 300 penalty units or 7 years imprisonment.

Increasing the maximum penalty for the offence of unlawfully manufacturing a weapon

Section 69(1A) ‘Armourers to be licensed’ of the Weapons Act provides that a person who is not a licensed armourer must not manufacture a weapon. The current maximum penalties for this offence are:

- for a category D, H or R weapon – 500 penalty units or 10 years imprisonment;
- for a category C or E weapon – 300 penalty units or 7 years imprisonment; or
- for a category A, B or M weapon – 200 penalty units or 4 years imprisonment.

The unlawful manufacture of weapons and, in particular, firearms is a significant issue of legitimate concern to law enforcement agencies and the community. Privately made firearms (PMFs) are generally untraceable as they have no serial numbers and may be so poorly constructed that they endanger members of the community as well as the offender using the firearm. Further, PMFs may be made without the safety features (i.e. firing pin safety, trigger safety etc.) that are normally incorporated within firearms produced by legitimate firearm manufacturers. Unfortunately, the manufacture of PMFs is an emerging trend associated with recent technological advances in 3D printing. In 2025, the QPS Ballistics Unit categorised 42 3D printed firearms, representing approximately 8% of all items categorised as firearms during that year.

The Bill recognises the serious threat that the unlawful manufacturing of weapons presents to the community and increases the maximum penalties for section 69(1A) of the Weapons Act as follows:

- for a category D, H or R weapon – 1000 penalty units or 20 years imprisonment;
- for a category C or E weapon – 750 penalty units or 15 years imprisonment; or
- for a category A, B or M weapon – 500 penalty units or 10 years imprisonment.

Increasing the maximum penalty for the offence of shortening firearms

Section 61 ‘Shortening firearms’ of the Weapons Act prohibits, without reasonable excuse:

- the shortening of a firearm;
- the possession of a shortened firearm; or
- the acquisition or sale of a shortened firearm.

This offence currently carries a maximum penalty of 200 penalty units or 4 years imprisonment.

The shortening of firearms is an activity engaged by criminals to assist in concealing firearms that are to be used for other offences. For example, a double-barrelled shotgun may be shortened so that it can be easily hidden until it is needed to be revealed to be used in an armed robbery. It should be noted that this offence would not apply to a licensed armourer conducting legitimate business as any modification to a firearm would be excused as being reasonable as part of the armourer’s trade.

The Bill recognises the risk that this offence presents to community safety and increases the maximum penalty for section 61 of the Weapons Act to 700 penalty units or 14 years imprisonment.

Increasing the maximum penalty for the offence of modifying construction or action of firearms

Section 62 ‘Modifying construction or action of firearms’ of the Weapons Act prohibits, without reasonable excuse:

- the modifying of the construction or action of a firearm;
- the possession of a firearm that has had the construction or action modified;
- the acquiring or selling of a modified firearm; or
- the making operable of a firearm that had been made or is required to be permanently inoperable.

This offence currently carries a maximum penalty of 200 penalty units or 4 years imprisonment.

The unlawful modification of firearms is a serious issue. Offenders may, as an example, modify a firearm’s action so that it transforms from a single shot firearm to a semi or fully automatic firearm capable of a greatly increased rate of fire thereby significantly increasing its destructive capacity. It should be noted that this offence would not apply to a licensed armourer conducting legitimate business as any modification to a firearm would be excused as being reasonable as part of the armourer’s trade.

The Bill increases the maximum penalty for section 62 of the Weapons Act to 750 penalty units and 15 years imprisonment.

Increasing the maximum penalty for the offence of interfering with identifying marks on weapons

Section 63 ‘Altering identification marks of weapons’ of the Weapons Act provides that a person must not without reasonable excuse:

- deface or alter any identifying serial number or mark on a weapon;
- possess a weapon with an identifying serial number or mark which has been defaced or altered; or
- acquire or sell a weapon with an identifying serial number or mark that has been defaced or altered.

This offence currently carries a maximum penalty of 200 penalty units or 4 years imprisonment.

Law enforcement agencies and regulatory bodies use serial numbers and other identifying marks on firearms to track the movement of firearms. It is critical that these identifying marks are not altered so that proper administration and regulation of firearms can be maintained.

The Bill increases the maximum penalty for section 63 of the Weapons Act to 700 penalty units or 14 years imprisonment.

Introduction of a specific offence prohibiting the reckless discharge of weapons towards a building or a vehicle

Recent events involving the misuse of weapons, such as drive-by shootings, have highlighted the need to introduce a specific offence to deter the reckless discharge of firearms towards places where there is a substantial risk of injury or death to a person such as a dwelling or a vehicle. These offences commonly take place in association with other criminality. For instance, there may be a connection with organised crime, or a drive-by shooting may be conducted in furtherance to a hate crime. Underlying this type of offence is a clear intention on behalf of the offender to terrify or intimidate their intended victim.

There are a range of offence provisions of varying seriousness that may apply to circumstances where a person recklessly discharges a firearm towards a place that may be occupied. At the more serious end of the spectrum of offences are charges of murder, attempted murder, acts intended to cause grievous bodily harm etc. These offences carry significant maximum penalties such as life imprisonment and generally have an element of intent, requiring the prosecution to substantiate to the requisite standard that a person meant to cause injury to their victim. The applicability of these offences to drive-by shootings may be questioned as the offender may claim that they had no intention to cause injury to their victim but simply discharged a firearm as an act of intimidation or through a callous disregard of the safety of others.

On the other end of the spectrum of offences for this type of criminal behaviour are more general provisions under the Weapons Act. For example, section 58 ‘Dangerous conduct with weapon prohibited generally’ of the Weapons Act prohibits conduct with a weapon, without reasonable excuse, that is likely to cause death or injury to a person, unlawful damage to property or alarm to another person. This offence provision carries a maximum penalty of 200 penalty units or 4 years imprisonment. Reliance on this section to appropriately address drive-by shootings may be criticised as the maximum penalty for this offence may not properly address the serious nature of this behaviour.

Similarly, section 56 ‘Discharge of weapon on private land without owner’s consent prohibited’ of the Weapons Act may apply to an offence involving the reckless discharge of a firearm into a building or a vehicle. This offence prohibits, without reasonable excuse, the firing of a weapon on or across private land without the express consent of the owner. This offence carries a maximum penalty of 40 penalty units or 6 months imprisonment. This offence is designed to deter a person from discharging weapons such as a firearm at a private place without the consent of the owner of the place. It may be argued that preferring this offence to deal with a drive-by shooting offence is inappropriate as the penalty for this offence also does not reflect the magnitude and seriousness of the criminality of the offender’s actions.

Other Australian jurisdictions have introduced specific criminal offences that prohibit the discharge of a firearm at a dwelling house or building. NSW³⁹ prohibits a person from firing a firearm at a dwelling house or other building with reckless disregard for the safety of any person. This offence carries a maximum penalty of 14 years imprisonment. There is a circumstance of aggravation for this offence which increases the maximum penalty to 16 years imprisonment if, in the course of discharging the firearm:

- the offender is participating in an organised criminal activity; or
- the offence occurs during a public disorder.

Victoria also has a similar offence⁴⁰ prohibiting a person, who with reckless disregard, discharges a shot, bullet or other missile from a firearm at a vehicle, vessel, aircraft or premises. This offence carries a maximum penalty of 15 years imprisonment. There is a circumstance of aggravation that increases the maximum penalty to 20 years imprisonment if this offence takes place while the offender is carrying out a serious indictable offence. A jurisdictional comparison has been conducted with equivalent offences in Australia (**Attachment 2**).

³⁹ Section 93GA ‘Firing at dwelling houses or buildings’ of the *Crimes Act 1900* (NSW).

⁴⁰ Section 131A ‘Offence to discharge firearm at a premises or vehicle’ of the *Firearms Act 1996* (Vic).

The Bill specifically addresses the reckless discharge of a weapon towards a place that may be occupied such as a building or a vehicle. This offence carries a maximum penalty of 16 years imprisonment and provides for a circumstance of aggravation which elevates the maximum penalty to 20 years imprisonment if:

- the place targeted by the offender is a place of worship;
- the offender was wholly or partially motivated to commit the offence by hatred or serious contempt for a person or group of persons based on the race, religion, sexuality, sex characteristics or gender identify presumed to be held by the individual or the group; or
- the offender is a participant in a criminal organisation.

The Bill also lists this offence as a prescribed offence under section 161N of the *Penalties and Sentences Act 1992* (PSA) This additional circumstance of aggravation will mean that an offender must be subject to at least 7 years imprisonment if:

- the person is a participant in a criminal organisation; and
- the offence under section 56A of the Weapons Act was committed:
 - at the direction of a criminal organisation or participant in a criminal organisation; or
 - in association with 1 or more persons who were also participants in a criminal organisation; or
 - for the benefit of a criminal organisation.

Further amendments in the Bill will list this offence in section 175A of the *Youth Justice Act 1992* increasing the sentencing options that may be available for a child that commits this offence.

A criminal organisation is to be defined to include a group of three or more persons who engage in serious criminal activity and who by their association represent an unacceptable risk to the safety, welfare or order of the community. This definition is consistent with the definition of a criminal organisation under the PSA.

To reflect that there is a wide range of weapons that may be used to commit this offence, the Bill provides a definition of a weapon that includes an antique firearm, spear gun, longbow and a slingshot or shanghai.

New offences for the possession and distribution of blueprint material for the manufacture of a firearm on a 3D printer or electronic milling machine

With advancements in technology, 3D printed firearms have become relatively easy and cheap to manufacture. The abundance of these types of weapons poses obvious community safety risks. In 2025, the QPS Ballistics Unit categorised 42 3D printed firearms, representing approximately 8% of all items categorised as firearms during the year.

The ability to manufacture 3D printed firearms hinges on the ability to have access to the digital blueprints or design files for the machine. The design files can easily be acquired from online sources. The design files allow individuals to manufacture fully operational firearms without any form of regulation or accountability.

3D printed firearms present unique risks to community safety. These firearms are difficult for law enforcement to regulate as they are usually manufactured without serial numbers and are untraceable. In addition, these firearms may be poorly constructed or made of unsuitable materials leading to an increased risk of harm if the firearm is fired. Further, a 3D printed

firearm may be made without the common safety features that are normally incorporated within firearms made by legitimate firearm manufacturers. The lack of these safety features, such as trigger safety, drop safety etc. increases the likelihood of an accidental discharge of the firearm.

Queensland does not currently have a law that prohibits the possession of blueprint material for the manufacture of 3D printed firearms. This is in contrast to most other Australian jurisdictions that prohibit this activity either through existing laws or by amendments that will soon commence.

The Bill introduces offences that prohibit the possession and distribution of blueprint material for the manufacture of 3D printed firearms which will carry a maximum penalty of 10 years imprisonment.

Further amendments in the Bill will list this offence in section 175A of the *Youth Justice Act 1992* increasing the sentencing options that may be available for a child that commits this offence.

Requiring a Queensland weapons licence holder to be an Australian citizen

The object of the Weapons Act is to prevent the misuse of weapons. This object is met, in part, through a strict licensing regime that authorises a person to possess a firearm. A person seeking a weapons licence must satisfy an authorised officer of a number of conditions before the officer may issue, renew, endorse or alter the licence. One current restriction to the issue of a licence is that a prospective license holder must reside only in Queensland. There is no prerequisite that a licence holder must be an Australian citizen.

The Bill mandates that a person must be an Australian citizen to obtain a weapons licence. This amendment will enhance and simplify background checks conducted about the person and will align Queensland with agreements made at National Cabinet. This amendment will provide exceptions for non-citizens who require a licence to possess a weapon for the genuine reasons of sports or target shooting or an occupation requirement including for the person's employment in primary industries, for rural purposes or animal welfare.

Broadening the scope of considerations made by an authorised officer when making firearms licensing decisions

An authorised officer under the Weapons Act must consider a range of matters when issuing, renewing, suspending or revoking a weapons licence. One of these considerations is whether a person is a 'fit and proper person' for a licence. This determination may be made through assessing a number of factors, including whether the person was convicted of committing certain offences.

In the Court of Appeal decision of *Commissioner of Police v XPR* [2025] QCA 93, it was determined that authorised decision makers cannot consider non-recorded convictions, convictions for which the rehabilitation period has expired, charges and circumstances when conducting a discretionary assessment to determine if a person is a fit and proper person to hold a weapons licence or be an associate of an applicant for a dealer's licence. This applies even if there are serious community safety concerns arising from the relevant convictions, charges or circumstances. The Bill ensures that protection to the community is maintained through amendments that will permit an authorised officer to consider relevant factors when determining if a person is a 'fit and proper person' for a weapons licence, including details of

a relevant offence where a court has ordered that no conviction be recorded or the rehabilitation period for the conviction has expired.

The Bill provides that a relevant offence means an offence, under a law of Queensland or another jurisdiction, that:

- a) involves, the carriage, discharge, possession, storage or use of a weapon;
- b) involves the use or threatened use of violence; or
- c) involves the possession or distribution of blueprint material for the manufacture of a firearm on a 3D printer or an electronic milling machine.

Amendments to Queensland’s Firearm Prohibition Order scheme

The strict control of the possession of firearms has been, and continues to be, of great community concern. One of the measures adopted by Australian jurisdictions to enhance public safety are Firearms Prohibition Order (FPO) schemes. FPOs target individuals who represent a risk to the community through their potential to misuse firearms. These individuals include those with a significant history of violence or who are associated with criminal or terrorist organisations. FPOs aim to deter such people from possessing and acquiring firearms by imposing specific offences and enhanced police search powers to ensure compliance with these orders.

The *Queensland Community Safety Act 2024* (QCSA) established an FPO scheme for Queensland that commenced on 31 August 2025. This FPO scheme markedly departed from the FPO models used in other jurisdictions in relation to the authorising environment (**Attachment 3**). While other jurisdictions allow their respective police commissioners to issue FPOs, in Queensland a model has been introduced with both Commissioner and Court issued FPOs. A Commissioner issued FPO can only be for a period of not more than 60 days, whereas a Court issued FPO has effect for the period of 10 years for adults and 5 years for children. An application can be made to a Court for an FPO without first obtaining a Commissioner issued FPO. The Court may also issue an FPO upon its own initiative.

The current Queensland FPO scheme has raised complex operational issues that would be resolved by aligning the scheme with those operating in other Australian jurisdictions. The Bill will achieve this through amendments to the Queensland’s FPO scheme that allow the Commissioner to issue FPOs for the period of 10 years for adults and 5 years for children. A review of the Commissioner’s decision to issue an FPO may be made by the person subject to the FPO to the Queensland Civil and Administrative Tribunal (QCAT). Similar to other Australian jurisdictions, a Court will not be required to issue an FPO. The Bill also includes provisions allowing for the recognition of FPOs made interstate under corresponding laws. Corresponding FPOs will be able to be enforced in Queensland.

The Bill also improves the operation of the FPO scheme through amendments that expand police powers to allow the search of a person who is in the company of an individual subject to an FPO for a firearm or firearm related item.

Additionally, the Bill ensures that safeguards about directions given by police officers in relation to FPOs will be consistent with safeguards for directions given by police officers under the PPRA. For example, if a police officer gives a person a direction under section 141Q(2) or 141S(2)(b) and the person fails to comply with the direction, the police officer must, if practicable, warn the person that it is an offence not to comply with the direction unless the

person has a reasonable excuse and warn the person that they may be arrested for the offence. A police officer must give the person a further reasonable opportunity to comply with the direction. This warning is consistent with the legislated safeguard under section 633 of the PPRA.

In developing these amendments, relevant legislation in other jurisdictions relating to FPO schemes were considered. A summary is provided in **Attachment 3**.

AMENDMENTS TO THE *POLICE POWERS AND RESPONSIBILITIES ACT 2000*

Amending the purpose for which controlled operations can be authorised

Chapter 11 of the PPRA authorises police to conduct controlled operations for the purpose of obtaining evidence that may lead to the prosecution of persons for relevant offences. It does not permit the frustration, disruption or prevention of criminal conduct. The community can be better served if potential crimes are prevented before they occur. The Bill will permit the authorisation of a controlled purpose for the express purpose of frustrating crime.

The amendments align police powers with the functions of the QPS under section 2.3 of the *Police Service Administration Act 1990* (PSAA). This section outlines that a core function of the QPS includes the prevention of crime and the protection of communities from the actions of criminal offenders. Enabling police to lawfully conduct controlled operations for the purpose of disrupting or preventing relevant offences, including serious weapons offences and hate crimes, directly supports these statutory responsibilities.

Amending the offence thresholds for controlled operations, controlled activities and surveillance device warrants

On 5 April 2002, the Leaders' Summit on Terrorism and Multi-Jurisdictional Crime agreed to develop model laws regarding controlled operations, surveillance device warrants, assumed identities and witness anonymity (protection of identity in court). The Standing Committee of Attorneys-General and the Australasian Police Ministers' Council established the Joint Working Group on National Investigation Powers (the JWG) to examine the issues and develop detailed proposals. In November 2003, the JWG published its report, *Cross Border Investigative Powers for Law Enforcement*, which contained the model laws.

The JWG considered offence thresholds for controlled operations and surveillance device warrants. Under the model law, the offence threshold decided upon for both controlled operations and surveillance devices warrants was an offence punishable by a maximum term of imprisonment of 3 years or more or an offence prescribed by regulation. The JWG considered this offence threshold was an appropriate compromise, noting some jurisdictions placed no minimum offence threshold on the exercise of the powers for controlled operations and surveillance device warrants.

Queensland did not align with the model law and instead introduced much higher offence thresholds for controlled operations and surveillance device warrants of seven year imprisonment offences or certain offences listed in schedule 2 of the PPRA. This is in contrast to interstate jurisdictions, who have adopted significantly lower offence thresholds for controlled operations and surveillance device warrants, consistent with the model laws.

Queensland's controlled activity provisions also use the offence threshold of a seven year imprisonment offence, along with indictable offences mentioned in schedule 2 of the PPRA and indictable and simple offences mentioned in schedule 5 of the PPRA.

There are hate related offences for which the important investigative tools of controlled operations, controlled activities and surveillance device warrants cannot be used due to the current offence thresholds. These offences include section 69 'Going armed so as to cause fear' of the Criminal Code with the circumstance of aggravation under section 52B 'Circumstance of aggravation for particular offences', section 75 'Threatening violence' of the Criminal Code with the circumstance of aggravation under section 52B 'Circumstance of aggravation for particular offences' and section 335 'Common assault' of the Criminal Code with the circumstance of aggravation under section 52B 'Circumstance of aggravation for particular offences'.

The Bill lowers the offence thresholds for controlled operations, controlled activities and surveillance device warrants from seven year imprisonment offences to three year imprisonment offences.

The amendments provide greater alignment to interstate jurisdictions regarding offence thresholds for controlled operations, controlled activities and surveillance device warrants.

Electronic service provisions for official warnings for consorting and police banning notices

On 30 August 2024, the QCSA received assent and, among other things, authorised police officers to electronically serve official warnings for consorting and initial police banning notices under the PPRA. This amendment is scheduled to commence on 31 August 2026.

The QPS has identified that the amendments under the QCSA may unintentionally lead to inefficiencies when compared to the current legislative electronic service regime employed for official warnings for consorting and initial police banning notices. The proposed amendments will ensure that the existing service provisions for official warnings for consorting and initial police banning notices are maintained.

AMENDMENTS TO THE *POLICE SERVICE ADMINISTRATION ACT 1990*

The QPS is authorised to share information held by it with other entities under the framework provided by the PSAA. Section 10.2L of the PSAA allows the Commissioner to give the head of an entity prescribed as an 'approved agency' all or any information in a QPS database. Section 10.2G 'Definitions for division' of the PSAA provides that an approved agency means an entity established under the law of the Commonwealth or a State prescribed under a regulation. Entities that are prescribed as an 'approved agency' are listed in section 67 of the *Police Service Administration Regulation 2016* (PSAR) and include the Office of the Director of Public Prosecutions, interstate police forces, the Australian Security Intelligence Organisation and Queensland Corrective Services.

The Bill promotes the timely and efficient sharing of information through amendments that prescribe the ADF as an approved agency.

AMENDMENTS TO THE *WEAPONS REGULATION 2016*

The object of the Weapons Act is to prevent the misuse of weapons. This object is supported by principles which include improvement of public and individual safety through requiring the safe and secure storage of weapons. Secure storage of weapons is a primary preventative measure against accidents, theft and unauthorised access to weapons.

Section 60 ‘Secure storage of weapons’ of the Weapons Act requires a licensee in control of a weapon to keep the weapon in secure storage facilities when a person is not in physical possession of the weapon. The *Weapons Regulation 2016* (Weapons Regulation) outline how various types of licence holders must store weapons of different categories.

For example, a holder of a collector’s licence, must store a weapon within in a locked container located in a storeroom that complies with the requirements under section 89 of the Weapons Regulation, when the weapon is not in the licensee’s physical possession. If the weapon is a category D, H or R weapon, the container must be of solid steel and bolted to the frame or floor of a building. For a category A, B, C, E and M weapon, the container must be made of solid steel or solid timber and, if weighing less than 150 kg, securely fixed to the frame or floor of the building.

Section 94 ‘Storage of particular weapons not in person’s physical possession - secure storage facilities’ of the Weapons Regulation imposes similar storage requirements obliging a person in possession of a weapon that is not in their physical possession to store the weapon unloaded in a locked container which must:

- for a category D, H or R weapon, be a rigid structure made of solid steel and be bolted to the frame or floor of a permanent building; or
- for a category A, B, C, E and M weapon, be a rigid solid steel or solid timber structure and if the container weighs less than 150 kg, securely fixed to the frame or floor of a permanent building.

In comparison with steel storage containers, timber storage containers may be easily damaged and forcibly opened. In particular, the strength and durability of wood diminishes more rapidly over time as a result of environmental exposure such as high humidity and is more vulnerable to damage by fire, water, insect and animals, wood rot, chemical degradation and deliberate physical damage.

New South Wales and Queensland are the only Australian jurisdictions that allow category A, B, C, E and M weapons to be stored in containers made of wood or steel. Other Australian jurisdictions require these types of weapons to be stored exclusively in metal containers.

The amendments in the Bill lead to greater community safety by requiring that category A, B, C, E and M weapons must be stored in solid steel containers exclusively.

LIST OF ATTACHMENTS

1. Jurisdictional comparison of Weapons Act Offences;
2. Jurisdictional comparison of offences involving the reckless discharge of a weapon;
3. Jurisdictional comparison of Firearm Prohibition Orders.

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCES FOR UNLAWFUL MANUFACTURE OF A WEAPON¹

Section 69 (1A) 'Armourers to be licensed' of the *Weapons Act 1990* (Qld) provides:

(1A) A person who is not a licensed armourer must not manufacture a weapon.

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 252	<i>Firearms Act 1996</i> (NSW), section 66	<i>Firearms Act 1997</i> (NT), section 74	<i>Firearms Act 2015</i> (SA), section 29(5)	<i>Firearms Act 1996</i> (Tas), section 124	<i>Firearms Act 1996</i> (Vic) section 134C(1)	<i>Firearms Act 2024</i> (WA), section 262/263	<i>Weapons Act 1990</i> (Qld), section 63	<i>Weapons Act 1990</i> (Qld), section 63
Maximum Penalty	500 PU ² 5 years imp or both	14 years imp	1000 PU or 5 years imp	Prescribed Firearm - \$50,000 or 10 years imp Cat C, D or H firearm – \$35,000 or 7 years imp Otherwise - \$20,000 or 4 years imp	100 PU or 3 years imp or both	240 PU or 4 years imp	7 years imp. Summary conviction penalty: \$36,000 or 3 years imp Handgun or prohibited firearm – 10 year imp. Summary conviction penalty: \$36,000 or 3 years imp	200 PU or 4 years imp	700 PU or 14 years imp

* Offences outlined in this table are comparable to section 63 of the *Weapons Act 1990* (Qld).

¹ Sentencing information is accurate as of 1/2/2026

² PU = Penalty units

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE OF ALTERING IDENTIFICATION MARKS OF WEAPONS³

Section 63 ‘Altering identification marks of weapons’ of the *Weapons Act 1990* (Qld) provides:

A person must not, without reasonable excuse -

- a) deface or alter any identifying serial number or mark on a weapon; or
- b) possess a weapon the identifying serial number or mark of which has been defaced or altered; or
- c) acquire or sell a weapon the identifying serial number or mark of which has been altered.

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 228	<i>Firearms Act 1996</i> (NSW), section 50A	<i>Firearms Act 1997</i> (NT), section 61	<i>Firearms Act 2015</i> (SA), section 37	<i>Firearms Act 1996</i> (Tas), section 11	<i>Firearms Act 1996</i> (Vic) section 59A	<i>Firearms Act 2024</i> (WA), section 280	<i>Weapons Act 1990</i> (Qld), section 69(1A)	<i>Weapons Act 1990</i> (Qld), section 69(1A)
Maximum Penalty	1500 PU ⁴ 20 years imp or both	10 years imp	2000 PU or 10 years imp	\$75,000 or 15 years imp	21 years imp	1200 PU or 10 years imp	14 years imp	For a cat D, H or R weapon - 500 PU or 10 years imp For a cat C or E weapon – 300 PU or 7 years imp For a cat A, B or M weapon – 200 PU or 4 years imp	For a cat D, H or R weapon - 1000 PU or 20 years imp For a cat C or E weapon – 750 PU or 10 years imp For a cat A, B or M weapon – 500 PU or 10 years imp

* Offences outlined in this table are comparable to section 69(1A) of the *Weapons Act 1990* (Qld)

³ As at February 2026.

⁴ PU = Penalty units

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE OF MODIFYING CONSTRUCTION OR ACTION OF FIREARMS

Section 62 ‘Modifying construction or action of firearms’ of the *Weapons Act 1990* (Qld) provides:

- 1) A person must not, without reasonable excuse—
 - a) modify the construction or action of a firearm; or
 - b) possess a firearm the construction or action of which has been modified; or
 - c) acquire or sell a firearm the construction or action of which has been modified.

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 250	<i>Firearms Act 1996</i> (NSW), section 63	<i>Firearms Act 1997</i> (NT), section 61A	<i>Firearms Act 2015</i> (SA), section 38	<i>Firearms Act 1996</i> (Tas), section 117	<i>Firearms Act 1996</i> (Vic), section 134	<i>Firearms Act 2024</i> (WA), section 272	<i>Weapons Act 1990</i> (Qld), section 62	<i>Weapons Act 1990</i> (Qld), section 62
Maximum Penalty	50 PU 6 months imp or both	14 years imp	2000 PU or 10 years imp or 1,000 PU or 5 year imp for Cat A or B firearm	\$75,000 or 15 years imp if prescribed firearm. \$50,000 or 10 years imp if a Cat C, D or H firearm. Otherwise \$15,000 or 4 years.	50 PU or 2 years imp or both	240 PU or 4 years imp	10 years imp.	200 PU or 4 years imp	750 PU or 15 years imp

* Offences outlined in this table are comparable to section 62 of the *Weapons Act 1990* (Qld)

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE OF SHORTENING A FIREARM

Section 61 ‘Shortening firearms’ of the *Weapons Act 1990* (Qld) provides:

A person must not, without reasonable excuse—

- a) shorten a firearm; or
- b) possess a firearm that has been shortened; or
- c) acquire or sell a firearm that has been shortened.

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 240	<i>Firearms Act 1996</i> (NSW), section 62	<i>Firearms Act 1997</i> (NT), section 68 ⁵	<i>Firearms Act 2015</i> (SA), section 38 ⁶	<i>Firearms Act 1996</i> (Tas), section 116	<i>Firearms Act 1996</i> (Vic), section 134	<i>Firearms Act 2024</i> (WA), section 273	<i>Weapons Act 1990</i> (Qld), section 61	<i>Weapons Act 1990</i> (Qld), section xxx
Maximum Penalty	50 PU 6 months imp or both	14 years imp	200 PU or 4 years imp	Prescribed firearm - \$75,000 or 15 years imp Category C,D or H\$50,000 or 10 years imp Any other category - \$35,000 or 7 years imp	50 PU or 2 years imp or both	240 PU or 4 years imp	14 years imp	200 PU or 4 years imp	700 PU or 14 years imp

* Offences outlined in this table are comparable to section 61 of the *Weapons Act 1990* (Qld)

⁵ *Firearms Act 1997* (NT) s 68 deals with “converts another category of firearm” and does not specify “shorten”.

⁶ *Firearms Act 1996* (Tas), s 11 deals with altering a firearm so that it becomes a firearm of a different category.

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE OF TRAFFICKING OF WEAPONS

Section 65 ‘Unlawful trafficking in weapons’ of the *Weapons Act 1990* (Qld) provides:

1) A person who unlawfully carries on the business of trafficking in weapons or explosives commits a crime.

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 220	<i>Firearms Act 1996</i> (NSW), section 51B	<i>Firearms Act 1997</i> (NT), section 63A	<i>Firearms Act 2015</i> (SA), section 22	<i>Firearms Act 1996</i> (Tas), section 110A	<i>Firearms Act 1996</i> (Vic) section 101A	<i>Firearms Act 2024</i> (WA), section 224	<i>Weapons Act 1990</i> (Qld), section 65	<i>Weapons Act 1990</i> (Qld), section 65
Maximum Penalty	20 years imp	Supply of a weapon on 3 or more separate occasions over 1 year - 20 years imp	For an individual 10 years imp. Cat A or B firearm 5 years imp. 3 separate occasions 15 years imp. 3 separate occasions with a prohibited firearm- 20 years imp	For a prescribed firearm, or a category C, D or H firearm - \$100,000 or 20 years imp For a category A or B firearm - \$50,000 or 10 years imp	21 years imp ⁷	1200 PU or 10 years imp	Unauthorised supplier of 3 or more firearms. 14 years imprisonment	Cat H or R weapon 20 years imp Cat A, B, C, D or E weapons 15 years imp	Irrespective of weapons category Life imp.

* Offences outlined in this table are comparable to section 65 of the *Weapons Act 1990* (Qld).

⁷ General sentencing

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE OF UNLAWFUL SUPPLY OF WEAPONS

The proposed Queensland offence for section 50B ‘Unlawful supply of weapons’ of the *Weapons Act 1990* (Qld) will provide:

- (1) A person must not unlawfully supply a weapon to another person.
 - If the person unlawfully supplies 5 or more weapons – the new maximum penalty will be 750 penalty units or 15 years imprisonment (up from 500 PU or 10 years imprisonment)
 - If the person unlawfully supplies 5 or more weapons at least of which are category D, E, H or R weapons – 1000 penalty units or 20 years imprisonment; (up from 13 years imprisonment)
 - If the person supplies a category D, H or R weapon – 750 penalty units or 15 years imprisonment (up from 500 PU or 10 years imprisonment)
 - If the person supplies a category C or E weapon – 600 penalty units or 12 years imprisonment (up from 300 PU or 7 years imprisonment)
 - If the person supplies a category A, B or M weapon – 500 penalty units or 10 years imprisonment (up from 200 PU or 4 years imprisonment).

The following table conducts a jurisdictional comparison of the most serious aspects of supplying a weapon to another

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 226	<i>Firearms Act 1996</i> (NSW), section 51	<i>Firearms Act 1997</i> (NT), section 63	<i>Firearms Act 2015</i> (SA), section 22	<i>Firearms Act 1996</i> (Tas), section 11	<i>Firearms Act 1996</i> (Vic) section 96	<i>Firearms Act 2024</i> (WA), section 223	<i>Weapons Act 1990</i> (Qld), section 50B	<i>Weapons Act 1990</i> (Qld), Section 50B
Max Penalty	10 years imp if the firearm is a prohibited firearm Or 5 years imp in any other case.	5 years imp for the supply of a firearm or 20 years imp for the supply of a pistol or prohibited firearm.	<i>Individual</i> 500 PU or 3 years imp for 3 years for Cat A or B 400 PU or 2 years imp. <i>Body Corporate</i> 2 000 PU Cat A or B 1,000 PU.	Aggravated offence for prescribed firearm, or Cat C, D or H firearm \$100,000 or 20 years imp Aggravated offence for Cat A or B firearm. for \$50,000 or 10 years imp.	21 years imp	120 PU or 2 years imp for Cat A or B longarm 240 PU or 4 years imp for Cat C or D longarm 600 PU or 5 years imp for general Cat handgun	\$60,000 and 5 years imp	Supply of >5 weapons where 1 is Cat D, E, H or R weapon—13 years imp; Supply of >5 weapons but none are Cat D, E, H or R weapon 500 PU or 10 years imp	Supply of >5 weapons where 1 is Cat D, E, H or R weapon— 1000 PU or 20 years imp; Supply of >5 weapons but none are Cat D, E, H or R weapon 750 PU or 15 years imp

* Offences outlined in this table are comparable to section 50B of the *Weapons Act 1990* (Qld).

JURISDICTIONAL COMPARISON FOR WEAPONS ACT 1990 OFFENCES PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE OF UNLAWFUL POSSESSION

It is proposed to increase the maximum penalties for section 50 ‘Possession of weapons’ of the *Weapons Act 1990* (Qld) as follows:

1) A person must not unlawfully possess a weapon:

- If the person unlawfully possesses 10 or more weapons – the new maximum penalty will be 750 penalty units or 15 years imprisonment (up from 500 PU or 10 years imprisonment);
- If the person unlawfully possesses 10 or more weapons at least 5 of which are category D, E, H or R weapons – 1000 penalty units or 20 years imprisonment (up from 13 years imprisonment)
- If the person possesses a category D, H or R weapon – 600 penalty units or 14 years imprisonment (up from 300 PU or 7 years imprisonment)
- If the person possesses a category C or E weapon – 500 penalty units or 10 years imprisonment (up from 200 PU or 4 years imprisonment)
- If the person possesses a category A, B or M weapon – 300 penalty units or 7 years imprisonment (up from 100 PU or 2 years imprisonment)

	Australian Capital Territory	New South Wales	Northern Territory	South Australia	Tasmania	Victoria	Western Australia	Current Queensland	Proposed Queensland
Statute	<i>Firearms Act 1996</i> (ACT), section 43	<i>Firearms Act 1996</i> (NSW), section 7	<i>Firearms Act 1997</i> (NT), section 58	<i>Firearms Act 2015</i> (SA), section 9	<i>Firearms Act 1996</i> (Tas), section 9	<i>Firearms Act 1996</i> (Vic) sections 5 and 6	<i>Firearms Act 2024</i> (WA), section 213	<i>Weapons Act 1990</i> (Qld), section 50	<i>Weapons Act 1990</i> (Qld), section 50
Max Penalty	>10 firearms 20 years imp	14 years imp	500 PU, or 3 years imp or, if Cat A or B firearms, 400 PU or 2 years imp	Prescribed firearm \$50,000 or 10 years imp Cat C, D or H- \$35,000 or 7 year imp. Other Cat - \$20,000 4 years. [Agg offence: \$75,000 or 15 years imp. Cat C, D, or H firearms - \$50000/10 yrs imp Any other cat - \$35,000 or 7 years imp	100PU 2 years imp If a person possesses a prohibited firearm – 21 years imp	Prohibited person possess firearm(s) 1200PU 10 years imp Non-prohibited persons, without a licence Cat A or B longarm - 120 PU or 2 years imp Cat C or D – 240PU or 4 years Cat E – 600 PU or 7 years.	5 years imp and a fine of \$60,000	>10 weapons, 500PU; or 10 years imp >10 weapons, at least 5 Cat D, E, H or R 13 years imp <10 weapons Cat D, H, or R 300 PU or 7 years imp. Cat C or E weapons 200 PU or 4 years imp Cat A, B, or M weapons 100 PU or 2 years imp	>10 weapons, 750PU; or 15 years imp >10 weapons, at least 5 are Cat D, E, H or R 1000 PU; or 20 years imp <10 weapons Cat D, H, or R 600 PU or 14 years imp. Cat C or E weapons 500 PU or 10 years imp Cat A, B, or M weapons 300 PU or 7 years imp

* Offences outlined in this table are comparable to section 50 of the *Weapons Act 1990* (Qld).

JURISDICTIONAL COMPARISON FOR THE NEW SECTION 56A OFFENCE PROPOSED IN THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

OFFENCE FOR RECKLESS DISCHARGE OF WEAPON AT BUILDING OR VEHICLE¹

New section 56A 'Reckless discharge of weapon towards building or vehicle of the *Weapons Act 1990*:

(1) A person must not, with reckless disregard for the safety of any person, discharge a weapon towards a building or vehicle.

Maximum penalty: Simpliciter: 800 PU or 16 years imprisonment

 Circ of Agg: 1,000 PU or 20 years imprisonment if the following applies:

- the offender, when the offence occurs was a participant in a criminal organisation;
- the offence relates to a building or a vehicle that is in or on a place of religious worship; or
- the offender was partially or wholly motivated to commit the offence by hatred or serious contempt for a person or group because of an attribute or presumed attribute mentioned in section 52B(1)(b) of the Criminal Code.

The new section 56A is also a prescribed offence under section 161N of the *Penalties and Sentences Act 1992* and section 175A of the *Youth Justice Act 1992*.

	Australian Capital Territory	New South Wales	Victoria
Statute	<i>Crimes Act 1900</i> (ACT), Section 28B	<i>Crimes Act 1900</i> (NSW), Section 93GA	<i>Firearms Act 1996</i> (Vic) Section 131A
Offence wording	A person commits an offence if the person recklessly discharges a firearm at a building or conveyance.	Simpliciter offence: A person who fires a firearm at a dwelling-house or other building with reckless disregard for the safety of any person. Circ of Agg: <ul style="list-style-type: none"> • offence occurs during public disorder; • offence occurs in the course of an organised criminal activity 	Simpliciter offence: A person must not, with reckless disregard for the safety of any person, use a firearm to discharge a shot, bullet, or other missile at a vehicle, vessel, aircraft or premises. Circ of Agg: <ul style="list-style-type: none"> • offence occurs while carrying out a serious indictable offence
Maximum Penalty	10 years Imp	Simpliciter: 14 years Imp Circ of Agg: 16 years imp	Simpliciter: 15 years Imp Circ of Agg: 20 years Imp

¹ Sentencing information is accurate as of 1/2/2026

COMPARISON OF FIREARM PROHIBITION ORDERS

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
How a Firearm Prohibition Order is initiated					
<p>The Commissioner of Police makes a firearm prohibition order against a person if of the opinion that the person is not fit, in the public interest to have possession of a firearm: s 73.</p>	<p>The Chief Commissioner of Police makes an order prohibiting an individual from acquiring, possessing, carrying or using a firearm or firearm-related item: s 112D.</p> <p>Firearm related item includes firearm part, ammunition and silencer: s 112A.</p>	<p>The South Australian scheme creates two categories of prohibition orders:</p> <ul style="list-style-type: none"> • an interim FPO issued by a police officer; and • an FPO issued by the registrar: s 43. <p>The registrar for the purposes of the Act is the Commissioner of SA Police: s 49.</p>	<p>The Commissioner may make an FPO if satisfied that it is in the public interest to do so for certain reasons (see criteria below): ss 49E and 49F.</p>	<p>The Commissioner can make an FPO if the Commissioner is satisfied that the criteria in s 317 are met: ss 317(1) – (2).</p>	<p>The Commissioner may make an FPO if it is in the public interest to do so. The FPO has effect for a period of not more than 60 days. The Commissioner must make an application to the Court to extend beyond this: s 141E</p> <p>The Court may make a FPO if it is in the public interest to do so. The Court can make an FPO:</p> <ul style="list-style-type: none"> • on its own initiative; or • on application by the Commissioner: s 141E
Delegation of the power to make a Firearm Prohibition Order					
<p>The Commissioner may delegate any functions to another member of the NSW Police Force conferred or imposed on the Commissioner: <i>Police Act 1990</i>, s 31.</p> <p>The power to make an FPO is delegated to an</p>	<p>The capacity to delegate the making of an FPO is limited by legislative provision to the Chief Commissioner, in writing, delegating the power to make FPOs to – an officer of at least the rank of Superintendent.</p> <p>s 112F(1)(e).</p>	<p>An interim FPO can be issued by any police officer, however, if the police officer is below the rank of Sergeant, the officer must first seek authorisation from an officer of at least the rank of Sergeant: s 43(2).</p>	<p>The Commissioner may delegate, in writing the power to make an FPO to a police officer of the rank of superintendent or higher: s 5(2).</p>	<p>The Commissioner’s power to make an FPO may be delegated to a member of the police force who holds the rank of Commander or above: s 16(2).</p> <p>The rank of Commander in Western Australia is</p>	<p>The <i>Police Service Administration Act 1990</i> provides an existing power to delegate the power to make an order. The Commissioner may delegate its powers to a police officer of at least the rank of superintendent only. s 141ZV.</p>

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
<p>officer of at least the rank of Inspector: s 81(2A) of the <i>Firearms Act 1996</i> and NSW Police Force, <i>Instrument of Delegation of Authority Firearms Act 1996</i>.</p>	<p>In limited cases, the Chief Commissioner may delegate this power to an officer of the rank of Inspector who must have responsibility over one or more of the specified portfolio areas (e.g. crime, counter terrorism, family violence): s 112F(1)(f)(i)-(x).</p>	<p>The Commissioner may delegate any powers or functions conferred: <i>Police Act 1988</i>, s 19. Consequently, the power of the Registrar to make an FPO can be delegated. There is no legislative limit on the delegation.</p>		<p>the equivalent of the rank of Chief Superintendent in Queensland.</p>	
The criterion against which the decision-maker decides whether a person should be subject to a Firearm Prohibition Order					
<p>If in the opinion of the Commissioner or delegated decision-maker, the person is not fit, in the public interest, to have possession of a firearm: s 73. No further statutory criteria are specified.</p> <p>As a matter of policy – when deciding whether to issue an FPO - the NSWPOL considers whether the person:</p> <ul style="list-style-type: none"> continues to apply for a firearms licence after a rejected application; 	<p>The Chief Commissioner or delegated decision-maker may make an FPO only if satisfied that it is in the public interest to do so because:</p> <ul style="list-style-type: none"> of the criminal history of the individual; of the behaviour of the individual; of the people with whom the individual associates; or because of the information known to the Chief Commissioner about the individual, the 	<p>An interim order may be made where a police officer reasonably suspects on reasonable grounds that:</p> <ul style="list-style-type: none"> the person’s possession of a firearm would be likely to result in undue danger to life or property; or, the person is not a fit and proper person to possess a firearm: s 43(1). <p>The Registrar may issue a firearm prohibition order if satisfied that:</p> <ul style="list-style-type: none"> possession of a firearm by the person would be likely to result in undue danger to 	<p>The Commissioner may make an FPO only if satisfied that it is in the public interest to do so because:</p> <ul style="list-style-type: none"> of the criminal history of the individual; of the behaviour of the individual; of the people with whom the individual associates; of any criminal intelligence report or other criminal information, the 	<p>The Commissioner may make an FPO if satisfied that:</p> <ul style="list-style-type: none"> possession of a firearm, major part, accessory or ammunition would likely result in unlawful use of the firearm by the person or another person; or, the person is not a fit and proper person to hold a firearm authority; or, it is otherwise in the public interest to make a firearm prohibition 	<p>An order can be made where the decision-maker is satisfied that it is not in the public interest that the relevant person to have possession of a firearm. ss141E and 141F.</p> <p>Decision making criteria will include:</p> <ul style="list-style-type: none"> the criminal history of the person; the behaviour of the person; the people with whom the individual associates, including associations with criminal organisations; existing or expired orders

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
<ul style="list-style-type: none"> • has a history of illegal firearm use or possession; • has used firearms in a criminal act or to threaten public safety or peace; • is involved in an organisation or gang that is known to have access to illegal firearms; • is subject to a lot of media attention; or • has disassociated from a gang or association, has shown signs of rehabilitation, and their age and the time since their last offence: <i>NSWPOL SOPS – Firearm prohibition order under s 73 – decision made by manager.</i> 	<p>individual may pose a threat or risk to public safety: s 112E.</p>	<p>life or property; or</p> <ul style="list-style-type: none"> • the person is not a fit and proper person to possess a firearm <p>And that it is in the public interest that an FPO should apply to the person: s 44(1); OR</p> <p>That the person:</p> <ul style="list-style-type: none"> • is a member of or a participant in a criminal organisation or; • has been a member of an organisation that, at the time the order is issued, is a criminal organisation; or • is the subject of a control order under <i>Serous and Organised Crime (Control) Act 2008</i>. 	<p>Commissioner ha about the person or the person’s associates or</p> <ul style="list-style-type: none"> • of the information known to the Commissioner about the individual, the individual may pose a threat or risk to public safety: s 49F. 	<p>order against the person; or</p> <ul style="list-style-type: none"> • the person is a member of a disqualifying organisation. • Without limiting the matters that the Commissioner may have regard to the Commissioner may have regard to any intelligence report or other information held by the Commissioner: s 317. 	<p>such as domestic violence orders, FPOs in other jurisdictions or orders under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i>; and</p> <ul style="list-style-type: none"> • any other matter that would indicate that possession of a firearm by the person would be likely to result in danger to life and property. <p>The decision maker must have regard to various factors involving a child under section 141F.</p>
<p>How the Firearm Prohibition Order is served</p>					

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
Personal service by a police officer is required: s 73(2).	An FPO must be served in person on an individual to whom it applies by a police officer: s 112I.	An interim order requires personal service: 43(4) An order issued by the registrar must be served personally: s 44(2). However, personal service can be effected by registered post s 44(3).	An FPO must be served in person on an individual to whom it applies by a police officer: s49J.	The FPO must be served on the person against who the order is made. To serve the order a police officer must: <ul style="list-style-type: none"> • hand the order to the person or, • if the person refuses to accept the order leave it near the person and orally draw their attention to it: s 320. 	Personal service will be required. s 141J
When the Firearm Prohibition Order comes into effect					
An FPO takes effect when a police officer serves a copy of the order personally on the person against whom the order is made: s 73(2).	An FPO commences from the day of which the FPO was served on the individual: s 112J.	An FPO comes into force when it is served: ss 44(2) & 43(4).	An FPO will come into effect from the day it is served on the person: s49H.	An FPO comes into effect when it is served: s 324.	An FPO comes into effect when it is served. s 141J
The duration of a Firearm Prohibition Order and the power to revoke an order					
No expressed limit on the duration; however, the Commissioner may revoke an FPO any time, for any or no stated reason: s 73(3).	For an Adult (of or over the age of 18): 10 years in the case of an adult and 5 years in the case of a child: s 112J. An FPO may be revoked at the sole discretion of the Chief Commissioner (or delegate). No application can be made to the Chief	Interim orders expire 28 days following the registrar receiving written notice of the subject person’s address for service: s43(8). There is no temporal limitation on the duration of a registrar’s order.	10 years in the case of an adult and 5 years in the case of a child: s 49H. Note: Section 49E provides that the Commissioner cannot make an FPO in	An FPO remains in force for a period of 10 years unless it is revoked sooner: s325. There is an express power of revocation: s325(2).	For an Adult: 10 years For a child: 5 years. S141H The Commissioner may revoke an FPO made by the Commissioner at any time. S141G

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
	Commissioner to exercise this discretion: s112K(1) & (2).		relation to a person under 14 years of age.		The court may revoke an FPO made by the court only if: <ul style="list-style-type: none"> the Commissioner applies for the revocation; or the order is in relation to a child and has been reviewed. S141H.
The review/appeal process					
<p>A person served with an FPO has 28 days to request NSWPOL to review the decision: <i>Administrative Decisions Review Act 1997</i>, 53(2)(d).</p> <p>A person subject to an FPO can also apply for administrative review to the NSW Civil Administrative Tribunal: s 75. However, a person who would be disqualified from obtaining a licence or permit under ss 11(5) and 29(3) is not able to apply to the Civil Administrative Tribunal for review. That is, a person who:</p>	<p>A person subject to an FPO can apply to VCAT for a review of the decision to make the FPO: s 112L.</p> <p>An additional right to review the decision to make the FPO comes into effect when half the time for which the order is in force has expired and this additional right is restricted to not more than one (1) application in respect to the FPO: s 112M.</p> <p>The normal ability for the Tribunal to stay a decision pending review does not apply in the case of a review of a firearm prohibition order: 112L(2).</p>	<p>A person issued with an interim prohibition order may apply to the Registrar for a review of the decision to issue an interim order: s 46. An application for review under this provision does not stay the operation of the order or its effect.</p> <p>An order issued by the Registrar can be reviewed by the South Australian Civil and Administrative Tribunal: s 47.</p>	<p>A person subject to an order can apply to NCCAT for a review of the decision to make the order: s 49L.</p> <p>An additional right to review the decision to make the order comes into effect:</p> <ul style="list-style-type: none"> for a child, at yearly intervals s. 49M(2); and for an adult, when half the time for which the order is in force has expired: s 49M(2). <p>The normal ability for the Tribunal to stay a decision pending</p>	<p>An FPO provision is reviewable by the State Administrative Tribunal: s335.</p> <p>Various provisions of the <i>State Administrative Tribunal Act 2004</i> do not apply: s338.</p> <ul style="list-style-type: none"> The person who is seeking a review of the decision by the Commissioner to issue a FPO may not request the Commissioner to provide the person with a written statement of the reasons for the decision; The SAT may not order the Commissioner to 	<p><u>Review of FPO in relation to children</u></p> <p>An annual review of an FPO in relation to children is required if the order has been in effect for more than 1 year or the order has been in effect for more than 1 year since it was last reviewed under the section. S141ZI.</p> <p><u>Appeals</u></p> <p>An individual may appeal an FPO to the relevant court. S141ZO.</p> <p>The Commissioner may appeal against the decision not to make the FPO to the relevant court. S141ZJ.</p>

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
<ul style="list-style-type: none"> in the last 10 years has been convicted of prescribed offences or has been the subject to a good behaviour bond for prescribed offences in NSW or elsewhere (offences involving drugs, violence or weapons); or has been the subject of an apprehended violence order or is a registerable person for the purposes of the <i>Child Protection (Offenders Registration) Act 2000</i>. 			review does not apply in the case of a review of a firearm prohibition order: 49L(4).	provide reasons for a FPO decision; <ul style="list-style-type: none"> The SAT may not make an order staying the operation of a FPO decision; and The Commissioner’s decision to issue a FPO is taken to have had effect from the time the SAT reviewed the decision. 	
The treatment of intelligence during the review process					
In hearing the review, the tribunal: <ul style="list-style-type: none"> is to ensure that it does not, in its reasons or otherwise, disclose the existence or content of any criminal intelligence report; and, 	Section 112N makes it clear that section 54 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> (VCAT Act) applies to an FPO review. That section provides that the Attorney-General can issue a Crown privilege certificate if disclosure of	In proceedings the Civil and Administrative Tribunal: <ul style="list-style-type: none"> takes steps to maintain the confidentiality of information classified by the Registrar as criminal intelligence including steps to receive evidence and hear argument in private and in 	Section 49N requires NTCAT in reviewing a reviewable decision to take steps to maintain the confidentiality of classified information provided to it by the Commissioner. If NTCAT considers the classified	Confidential intelligence information identified by the Commissioner is referred to as “clause 5 matter”. The Commissioner (or authorised delegate) must advise the SAT of any confidential information that is not to be released to	section 142A ‘Confidentiality of criminal intelligence’ be applied to FPO decision reviews and appeals. That provision provides that a court or tribunal deciding an appeal or reviewing a decision: <ul style="list-style-type: none"> must ensure that it does not in its reasons or otherwise disclose the content of

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
<ul style="list-style-type: none"> to prevent the disclosure of such information is to receive evidence and hear argument in the absence of the public, the applicant and their representative: s 75(5). 	<p>material would be contrary to public interest. If such a certificate is issued the effect is:</p> <ul style="list-style-type: none"> information need not be provided in a statement of reasons: VCAT Act, s 46(4)(b); the information cannot be disclosed to any person other than the presiding VCAT member: VCAT Act, s 53(2)(a). 	<p>the absence of parties and their representative;</p> <ul style="list-style-type: none"> take evidence so classified by way of an affidavit of a police officer of at least the rank of Superintendent: s 48. 	<p>information is criminal intelligence, these steps include hearing the evidence in private in the absence of the parties, their representatives and the public.</p> <ul style="list-style-type: none"> If NTCAT does not consider the classified information as criminal intelligence, NTCAT must allow the Commissioner to withdraw the classified information from consideration. 	<p>the applicant as part of the “section 24 material” (and that would otherwise ordinarily be provided to the applicant for review during proceedings in the SAT).</p> <ul style="list-style-type: none"> The SAT must treat that information in the same manner that it would treat information that is considered “protected matter” under the SAT Act. 	<p>criminal intelligence on which the decision is based; and,</p> <ul style="list-style-type: none"> must receive evidence and hear argument in the absence of the public, the appellant or applicant for review and the appellant’s lawyer or representative; and may take evidence consisting of criminal intelligence by way of an affidavit from a police officer of at least the rank of Superintendent.
Requirement to surrender firearms and search upon the service of a firearm prohibition order					
<p>No express legislative provision providing for the surrender of firearms or the immediate search upon the service of an order. However, the NSW Ombudsman has</p>	<p>When an FPO is served, the subject person, must immediately surrender any firearm or firearm-related item that is in the possession of the individual or that they are carrying or using: s 112P.</p>	<p>When an FPO comes into force the person must immediately surrender all firearms, firearm parts, ammunition and sound moderators in the person’s possession: s 45(3).</p>	<p>Upon being served with an FPO, the subject person will become liable for the offence of being in possession of a firearm or ammunition. s. 49P.</p>	<p>A person against whom a FPO is made against the prohibited person must immediately surrender any of the following that are in the prohibited person’s possession: s327</p> <ul style="list-style-type: none"> a firearm; 	<p>Upon being served with an FPO, the individual will become liable for the offence of being in possession of a firearm or ammunition. s141Y.</p>

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
<p>recommended that the Act be amended to:</p> <ul style="list-style-type: none"> allow a person subject to an FPO an opportunity to surrender firearms lawfully in their possession before the FPO offences apply to them; and, provide authority for a search immediately following the service of an order: Ombudsman, NSW: Review of police use of the FPO search powers, (Aug 2016) p 56. 	<p>If the individual is unable to surrender the firearm immediately, they must surrender it as directed by the police officer who serves the FPO, and no later than 24 hours after the service of the FPO: s 112P(2).</p>		<p>Additionally, section 49S prohibits an offender from residing at a premises where there are firearms or firearms related items and 24 hours has elapsed since the person was served with an FPO.</p>	<ul style="list-style-type: none"> a major firearm part; a prohibited firearm accessory; a prohibited firearm; and ammunition; any licence card in the persons possession. 	<p>The individual must immediately give to police any firearm or firearm related item the individual physically possesses. If it is not reasonable for the offender to surrender his or her firearm or ammunition immediately, that firearm or ammunition may be surrendered as by police direction. S141W.</p>
What offence provisions will apply to a person subject to an FPO					
<p>A person subject to an FPO will be subject to offence provisions prohibiting a subject person from:</p> <ul style="list-style-type: none"> acquiring, possessing or using a firearm, firearm part or ammunition: s74(1),(2)&(3); 	<p>Offence provisions apply if the subject person:</p> <ul style="list-style-type: none"> acquires, possesses, carries or uses a firearm or firearm related item: s112B; fails to surrender firearm or firearm related items on 	<p>Offence provisions apply if a person subject to an order:</p> <ul style="list-style-type: none"> possesses, uses or acquires a firearm, firearm part or ammunition: 45(1)&(2). is present or resides on premises where a firearm, firearm part or ammunition is kept – defence if they did 	<p>Persons subject to an FPO will commit an offence if:</p> <ul style="list-style-type: none"> they possess, use or acquire a firearm or firearm related item; s. 49P; enters or remains on: prohibited premises 	<p>A person subject to an FPO commits an offence if;</p> <ul style="list-style-type: none"> they fail to surrender firearms and other things when FPO served s327; 	<p>A person subject to an FPO will commit an offence if they:</p> <ul style="list-style-type: none"> possess use or acquire a firearm, firearm part or ammunition; are present at or reside at a place where a firearm, firearm part or ammunition is kept;

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
<ul style="list-style-type: none"> residing at premises where a firearm, firearm part or ammunition is kept – however defence if did not know and could not reasonably be expected to know: s74(6) and 74(7); attending, without reasonable excuse: a firearms dealer’s premises, shooting range, firearms club, any other premises prescribed by regulation: s74(8). 	<p>the service of an order: s112P;</p> <ul style="list-style-type: none"> enters or remains on: firearms dealer premises, shooting range, shooting club, firearms collectors club, place where target shooting match is occurring, paintball range, a place where firearms are stored or prescribed premises: s112O. <p>Premises can only be prescribed for the purposes of s 112O if there is a risk to public safety associated with the presence of a subject person at the place: s 112O(2).</p>	<p>not know or could not reasonably be expected to have known that the item was present: s 45(6).</p> <ul style="list-style-type: none"> fails to immediately surrender firearm, firearm part or ammunition at the time of service: 45(3). is present at: firearms club, shooting gallery, arms fair, armourer or dealers premises, any place prescribed by regulation: s 45(4) is in the company of a person who has physical possession or control of a firearm – defence to show they did not know and could not reasonably be expected to have known that the other person had physical possession of the firearm: s 45(4). fails to inform a person with whom they reside or propose to reside that they are subject to an order and ask if the person proposes to 	<p>(firearms dealer or armourer premises, shooting range, shooting club, firearms collectors club, place where target shooting match is occurring, paintball range, firearms fair, shooting gallery a place where firearms are stored or prescribed premises: s. 49R;</p> <ul style="list-style-type: none"> the person resides at a premises where there are firearms or firearm related items (if after 24 hours from service of FPO); s. 49S. is intentionally in the company of a person who has physical possession or control of a firearm: s. 49T. 	<ul style="list-style-type: none"> they acquire, possess or use firearms and other things s 328; they enter, or remain or reside at, certain places s 329; they associate with persons in possession of firearms and other things s330; they change their address and fail to notify the Commissioner of their new address not later than 7 days after the change occurs s332. 	<ul style="list-style-type: none"> attend at premises specified in a dealer’s licence, a shooting range, firearms club or place prescribed by regulation. S141Y and141ZA.

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
		have a firearm etc at the premises: s 45(9).			
Offence provisions that apply to third parties					
<p>The following offences apply to third parties:</p> <ul style="list-style-type: none"> • a person must not supply a firearm or firearm part to a person knowing they are subject to an FPO: s 74(4). • a person must not supply ammunition for a firearm to a person knowing that they are subject to an FPO: s 74(5). 	<p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • dispose/give a firearm or enable the person to possess, carry or use a firearm knowing that they are subject to an FPO; and • dispose/give a firearm or enable the person to possess, carry or use a firearm related item knowing that they are subject to an FPO: s112C. 	<p>It is an offence for any person to:</p> <ul style="list-style-type: none"> • supply or permit a person to gain possession of a firearm, firearm part, sound moderator or ammunition where the person is subject to an FPO: s 45(9). • be in the company of a person to whom an FPO applies while in physical possession of a firearm: s 45(10); • Bring a firearm, firearm part, ammunition to premises where a person with an FPO resides: s 45(11). <p>It is a defence to the offences delineated above to show that the person did not know, and could not reasonably have known, that an FPO applies to the person: s 45(12).</p>	<p>It is an offence for any person to, knowing that another person is subject to an FPO, engage in conduct that results in the other person acquiring, possessing or using a firearm or firearm related item: s. 49Q.</p>	<p>It is an offence for a person to give a prohibited person possession of a firearm and other things: s331.</p>	<p>It will be an offence for any person to supply a firearm, firearm part or ammunition to a person who is the subject of an FPO. S141Z.</p>
The effect of a Firearm Prohibition Order on a weapons licence					

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
A licence that authorises a person to possess or use a firearm is automatically revoked if the licensee becomes subject to an FPO: s 24(1).	All licences and approvals under the Act are cancelled on service of an FPO, including licences held by body corporates of which the subject person is an officer: s112H.	While an FPO is in force against a person, any licence or permit held under the Act is suspended: s 45(1).	All licences and approvals under the Act are cancelled on service of an FPO. s. 49K. Note: exception of body corporates where licence is suspended for 14 days to allow application to be made to Commissioner.	If a firearm prohibition order comes into force, all licences, permits, approvals and authorisations under the Act held by the prohibited person are immediately cancelled; s326.	The service of an FPO will have the effect of revoking any licence issued under the <i>Weapons Act</i> . S141V.
Police search powers – the threshold for the activation of search powers					
Search powers associated with FPOs can be <u>exercised as reasonably required</u> for the purposes of determining whether a person who is subject to an FPO has committed an offence under s 74(1),(2) or (3): s 74A. That is – to establish whether they have contravened the prohibition against acquiring possessing or using a firearm, firearm part or ammunition.	Search powers, without a warrant or consent, may be exercised if <u>reasonably required</u> to determine whether an individual to whom a firearms prohibition applies has acquired, possess or is carrying or using a firearm or firearm related item in contravention of s 112B or another provision of this act: s112Q(1).	Search powers may be exercised <u>when reasonably required to ensure compliance</u> with a firearm prohibition order issued by the Registrar: s 57(11). The threshold has been the subject of judicial consideration by the SA Court of Appeal in <i>R v Ioannidis</i> [2015] SASFC 158. The majority held there was no requirement for suspicion to be held that the order was not being complied with to exercise the powers. Rather, the threshold of ‘reasonably required’ imposed a	Search powers may be exercised if <u>reasonably required</u> to determine whether an individual to whom an FPO applies has acquired, possess or is or using a firearm or firearm related item in contravention of the order; s49U.	Search powers may be exercised only if <u>reasonably required</u> for the purpose of determining whether a person subject to a FPO has committed an offence; ss350-354.	Search powers may be exercised when <u>reasonably required</u> to ensure that the individual subject to an FPO is complying with the FPO. S141ZD.

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
<p>The threshold has been judicially construed to limit both the occasion and the extent of the search but not to require the police officer exercising the power to possess a suspicion that an offence has been committed against the relevant sections: <i>DPP v Shaba</i> [2018] NSWSC 811 at [17].</p>		<p>requirement that the power be exercised proportionately.</p>			
Police search powers – who and what can be searched					
<p>Once the requisite threshold of – reasonably required is met – a police officer may:</p> <ul style="list-style-type: none"> • detain the subject person • enter any premises occupied by or under the control or management of such a person; or • stop and detain any vehicle, vessel or aircraft occupied by or under the control or management of such a person 	<p>If the exercise of the power is reasonably required, a police officer may:</p> <ul style="list-style-type: none"> • enter and search premises occupied by, in the care of or under the control and management of the person subject to the order, including anything on the premises including any vehicle/vessel or aircraft on the premises: s 112Q(2)(a) • stop, detain and search any vehicle, vessel or aircraft that is in the 	<p>If the exercise of the power is reasonably required a police officer can:</p> <ul style="list-style-type: none"> • detain and search a person to whom they reasonably suspect an FPO applies for a firearm, firearm part, sound moderator, ammunition • stop and search a vehicle/vessel/aircraft that the subject person is or was a passenger in (other than a vehicle to which the public are admitted and • enter and search premises that the officer suspects on 	<p>If the exercise of the power is reasonably required, a police officer may:</p> <ul style="list-style-type: none"> • enter and search premises occupied by, in the care of or under the control and management of the person subject to the order, including anything on the premises including any vehicle/vessel or aircraft on the premises: s. 49W; 	<p>If the exercise of the power is reasonably required, a police officer may;</p> <ul style="list-style-type: none"> • enter and search a place occupied by or under the care, control or management of a prohibited person, including entering and searching a vehicle at the place; • enter and search a vehicle being occupied by or in the charge of a prohibited person, 	<p>If the exercise of the power is reasonably required, it is proposed to provide a power for a police officer to:</p> <ul style="list-style-type: none"> • stop, detain and search a person subject to an FPO; • stop, detain and search a vehicle/vessel/aircraft used by subject person, and • enter and search any place occupied by the person. <p>ss 141ZD – 141ZG.</p>

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
<ul style="list-style-type: none"> search the person or the premises or the vehicle/vessel/aircraft for any firearms, firearm parts of ammunition: 74A(2) (including any place whether built or not: s 74A(3)). 	<p>charge of the person or in which the individual is a passenger wherever the vehicle/vessel or aircraft is located: s112Q(2)(b);</p> <ul style="list-style-type: none"> stop, detain and search the person and any item in their possession however, the power of search does not extend to a strip search: s 112R(2),(3). (premises mean any place and includes any building or structure on the place). 	<p>reasonable grounds are occupied by or under the care, control or management of a person to whom the subsection applies or are premises in which the person is or was present (other than premises to which the public are admitted): ss 57(11) & (12).</p>	<ul style="list-style-type: none"> for the purpose of an entry or search of a premises a police officer may stop, detain and search any vehicle, vessel or aircraft: s. 49W(4); and stop, detain and search the person and any item in their possession however, the power of search does not extend to a strip search: s 49U. 	<p>wherever the vehicle is located;</p> <ul style="list-style-type: none"> stop and search a prohibited person; stop and search a person who is in the company of a prohibited person; search any item, package or thing in the possession of a person who is the subject of a search. ss 350 – 354. 	
Other police powers arising from the making of a Firearm Prohibition Order					
N/A	<p>The Victorian scheme contains an explicit power to search people in the company of a person subject to an order where the police officer has a reasonable suspicion that the person is committing or about to commit an offence or has a firearm or firearm related item in their possession: s 112S</p>	<p>The South Australian framework provides additional powers to:</p> <ul style="list-style-type: none"> require a person to remain at a place for not more than 2 hours to facilitate service of an order: 44(4). require a person who an officer suspects on reasonable grounds is a person against whom a firearm prohibition order is 	<p>police officer may search a person in the company of a person subject to an FPO if reasonably believed that the person is committing or about to commit an offence or has a firearm or firearm related item in their possession: s. 49V. A police officer may require a person who</p>	<p>Where a police officer reasonably suspects that someone is a person on whom an FPO is required to be served, a police officer has the power to:</p> <ul style="list-style-type: none"> stop the person direct them to provide their particulars direct them to stay at a place for the time reasonably necessary 	<p>A police officer may, for the purpose of enabling service of the FPO, require a person to state their name and address if a police officer reasonably believes obtaining the person's name and address is necessary for the service of the FPO. S141Q.</p>

New South Wales (Firearms Act 1996)	Victoria (Firearms Act 1996)	South Australia (Firearms Act 2015)	Northern Territory (Firearms Act 1997)	Western Australia (Firearms Act 2024)	Queensland (Weapons Act 1990)
		in force to state their full name, address and date of birth and state the names of the people with whom the person resides: s 45(13).	an officer reasonably suspects is subject to a FPO to state their full name and address. s 49Y.	(max of 2 hrs) to facilitate service • direct the person to accompany to another place and remain there for the time reasonably necessary (max 2 hrs) to serve the FPO: s 321.	
Evidential presumptions relevant to the offences					
A firearm, firearm part or ammunition is presumed to be in the possession of a subject person if it is in or on any premises owned, leased or occupied by or in the care, control or management of, the person, unless the court is satisfied that: • the firearm, firearm part or ammunition was placed or brought in or on the premises by a person lawfully authorised by or under the act to possess it; or,	A firearm is taken to be in the possession of a person if the firearm is found: • on land or premises occupied by, in the care of or under the control or management of the person; • in a vehicle of which the person is in charge. However, that presumption does not apply if, at the time the firearm was found, • the firearm was in possession of another person who was lawfully	If a person to whom a firearm prohibition order applies: • is on or in a premises or vehicle or is in or in the immediate vicinity of a premises or vehicle/vessel/aircraft when a firearm, firearm part, ammunition is found; OR • was on or in premises or a vehicle/vessel/aircraft immediately before a firearm, firearm part or ammunition was found The person will be taken to possess the relevant item unless it is proved that the	A firearm or ammunition or silencer is taken to be in the possession of a person if the firearm is found in premises owned, occupied or in the care of or under the control or management of the person unless the court is satisfied: • the firearm, ammunition or silencer was brought into the premises by someone who is	N/A.	An individual is taken to possess a firearm or firearm related item if there is proof that, at the material time, the firearm or firearm related item was in or on a place at which the individual resided or of which the individual was the owner or the occupier or concerned in the management or control. However, it is a defence to an offence for the individual to prove the individual did not know and did not have reason to suspect that the firearm or firearm related item was in or on a

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
<ul style="list-style-type: none"> the subject person did not know and could not reasonably be expected to have known that the firearm was in or on the premises; or, on the evidence the person was not in possession of the firearm: 4A and 74(11). <p>Premises means any place and includes a vehicle/vessel or aircraft: 4A.</p>	<p>authorised under the Act to possess the firearm; or</p> <ul style="list-style-type: none"> the person believed on reasonable grounds that the firearm was in the possession of another person who was lawfully authorised under this Act to possess the firearm; or the person did not know and could not reasonably be expected to know that the firearm was on the premises or in the vehicle: s145. 	<p>person did not know and could not reasonably be expected to have known that the relevant item was on or in the premises or the vehicle/vessel/aircraft: s 45(16).</p>	<p>lawfully authorised to do so;</p> <ul style="list-style-type: none"> the person was not in possession of the firearm, ammunition or silencer; or the person did not know and could not reasonably be expected to know that the firearm, ammunition or silencer was in the premises. 		<p>place mentioned in section 141Y.</p>
Safeguards and reporting requirements					
<p>Legislative requirement for 2-year review carried out by the NSW Ombudsman: s 74B.</p>	<p>Chief Commissioner required to report annually to the Minister on the number of:</p> <ul style="list-style-type: none"> FPOs issued; FPOs in operation; children subject to FPOs; firearms and firearm related items seized during the exercise of FPO powers; and charges laid: s 172. 	<p>N/A</p>	<p>Legislative requirement for a 2-year review carried out by the Ombudsman: s 49ZB.</p>	<p>The Minister must review the operation and effectiveness of the Act and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the section came into operation. The Minister must cause the report to be laid before each House of Parliament as soon as practicable</p>	<p>Safeguards that currently apply under the <i>Police Powers and Responsibilities Act 1990</i>, Chapter 20, part 3 with respect to searches will apply, including:</p> <ul style="list-style-type: none"> the requirement to provide officer details; recording of searches in an enforcement register; safeguards ensuring dignity of persons searched;

New South Wales (<i>Firearms Act 1996</i>)	Victoria (<i>Firearms Act 1996</i>)	South Australia (<i>Firearms Act 2015</i>)	Northern Territory (<i>Firearms Act 1997</i>)	Western Australia (<i>Firearms Act 2024</i>)	Queensland (<i>Weapons Act 1990</i>)
	IBAC to perform monitoring role in relation to the exercise of FPO powers: s 173.			after it is prepared, but not later than 18 months after the 5th anniversary. S402.	<ul style="list-style-type: none"> • safeguards associated with the seizure of property.

For Tasmania, *The Firearms Act 1996* provides an FPO scheme authorising the Commissioner, if of the opinion that a person is unfit in the public interest to possess or use a firearm to order a person is prohibited from possessing or using a firearm. This order must be personally served and is in force until revoked in writing by the Commissioner. There are no enhanced police powers dedicated to regulating FPOs. The FPO scheme provides two offences:

- A person subject of an FPO must not possess or use a firearm in contravention of that order (Max penalty 50 PU or 2 years imp); and
- A person must not sell or give a firearm to another knowing that person to be subject to an FPO (Max penalty 50 PU or 2 years imp).