

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

Submission No: 105

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1. My position on the Bill I support strong and effective measures to combat antisemitism and to keep firearms out of the hands of terrorists and serious criminals.

However, **I do not support the proposed amendments to the Weapons Act 1990 (Qld) that would broaden the scope of an applicant's history to allow consideration of spent convictions and convictions that were not recorded when making firearms licensing decisions.** This proposal is unnecessary, legally unsound, and risks undermining long-standing principles of Queensland law without delivering meaningful public safety benefits.

2. Queensland law already prioritises public safety Queensland's firearms licensing system already places public safety as the paramount consideration.

Under section 10B of the Weapons Act 1990 (Qld), Queensland Police have wide powers to refuse, suspend or revoke a licence where a person is not a fit and proper person. This includes consideration of:

- . current behaviour and conduct
- . mental health and wellbeing
- . domestic or family violence concerns
- . alcohol or drug misuse
- . compliance history
- . credible intelligence or risk indicators

Recent Tribunal decisions show these powers are already exercised conservatively and proactively where real risk exists, even where there is no criminal conviction at all. There is no demonstrated gap in the law that requires historic spent or unrecorded convictions to be revived.

3. The proposal undermines the purpose of non-recorded and spent convictions
Queensland law deliberately provides that: a conviction that is not recorded is taken not to be a conviction for any purpose (s 12(3), Penalties and Sentences Act 1992 (Qld)), and spent convictions are excluded to promote rehabilitation and reintegration (Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld)).

These protections reflect a conscious policy choice by Parliament and the courts that certain offending should not carry lifelong consequences. Allowing weapons licensing authorities to rely on these matters effectively defeats that purpose and renders these protections meaningless in practice.

4. Recent court decisions confirm these protections matter The Queensland Court of Appeal in Commissioner of Police v XPR [2025] QCA 93 confirmed that unrecorded convictions are a legal fiction and must be treated as not existing unless Parliament expressly and clearly provides otherwise. Similarly, QCAT decisions such as XPR v Queensland Police Service – Weapons Licensing [2025] QCAT 1 and Cross v Queensland Police Service [2023] QCAT 336 confirm that unrecorded convictions cannot be relied upon when assessing whether a person is fit and proper. The proposed amendments would directly overturn this settled legal position and introduce uncertainty into an area of law that has recently been clarified.

5. Risk of unfair and arbitrary outcomes Broadening the scope of “history” to include spent and unrecorded convictions creates a real risk of:

- . arbitrary decision-making
- . inconsistent outcomes between applicants
- . disproportionate impact on people with minor or historic matters
- . permanent punishment for conduct a court has already determined should not carry lasting consequences

These shifts firearms licensing away from a **current real and practical risk-based assessment** and towards a system of lifetime moral judgement, which is inconsistent with both administrative fairness and rehabilitation principles.

6. Terrorism and serious criminal risks are already addressed If the concern is terrorism, extremism, or organised crime, existing laws already provide powerful tools, including:

- . terrorism and criminal organisation offences
- . intelligence-based assessments
- . preventative suspension and revocation powers
- . domestic violence and public safety orders

Expanding reliance on spent and unrecorded convictions does little to address genuine high-risk threats, while significantly impacting law-abiding applicants.

7. Conclusion

The proposal to broaden the scope of an applicant's history to include spent and unrecorded convictions is unnecessary, disproportionate, and inconsistent with established Queensland law. Queensland already has a strong firearms licensing framework that protects public safety while respecting rehabilitation and the rule of law. The Committee should recommend that this aspect of the Bill not be passed.

Public safety is best served by assessing current conduct and real risk, not by reviving matters that the courts have deliberately set aside.