

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

Submission No: 108

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Submission to the Committee Inquiry

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

Date: 12 February 2026

1. Introduction

I make this submission in a personal capacity.

I am writing in strong support of the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026. The Bill addresses a critical public safety need, and I commend the Committee and the Government for bringing forward this measure. The amendment I propose is a narrow technical clarification intended to preserve administrative certainty and proportionate assessment processes, and does not seek to alter the policy intent of the Bill. It does not expand licence eligibility nor create any automatic entitlement; all applicants would remain subject to the genuine reason requirement under section 11 and the fit and proper person assessment.

This submission relates specifically to the proposed amendment to section 10 of the Weapons Act 1990.

2. Support for Proposed Section 10(2C)

I support the inclusion of proposed section 10(2C), which preserves a discretionary mechanism allowing an authorised officer to consider applications where a genuine reason exists under section 11.

The retention of this discretionary safeguard is important to ensure that the Act continues to operate proportionately and allows consideration of legitimate circumstances on a case-by-case basis, while maintaining the integrity of the genuine reason framework.

It is respectfully submitted that section 10(2C), as currently drafted, should be retained.

3. Proposed Clarifying Amendment – Section 10(2D)

In addition to section 10(2C), I respectfully propose a further clarifying provision to provide legislative certainty regarding persons who are lawfully and permanently resident in Australia.

The following amendment could be considered:

"(2D) For the avoidance of doubt, subsection (2)(h) does not apply to a person who is lawfully resident in Australia on a permanent basis within the meaning of the Migration Act 1958 (Cwlth), provided the person satisfies the requirements of section 11 and is a fit and proper person under this Act. Nothing in this subsection creates an entitlement to a licence."

This formulation:

- does not limit authorised officer discretion;
- does not remove the genuine reason requirement;
- does not remove the fit and proper test;
- does not alter public safety protections; and
- preserves the overall integrity of the Act.

It would:

- provide certainty for long-term lawful permanent residents who have undergone Commonwealth immigration screening; and
- avoid unintended rigidity in the operation of section 10(2)(h).

Importantly, this proposal does not seek to weaken existing safeguards, nor does it diminish the discretionary powers of the authorised officer.

4. Alternative Position

If the Committee does not consider an additional subsection appropriate, it is respectfully submitted that the existing wording of section 10(2C) should remain unchanged.

Maintaining section 10(2C) in its current form ensures the Act retains necessary flexibility while continuing to prioritise public safety.

5. Conclusion

This submission supports the objectives of the Bill and the retention of section 10(2C), while proposing a narrowly framed clarification to provide additional certainty without reducing existing safeguards.

Thank you for the opportunity to provide this submission.

Yours sincerely,

Bruce Zhou

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Supporting Rationale

1. Legislative Proportionality

The Weapons Act 1990 operates through multiple layered safeguards, including the genuine reason requirement under section 11, criminal history and background checks, and the fit and proper person test.

The proposed clarification does not remove or dilute any of these safeguards. Instead, it ensures that eligibility continues to be assessed on individual risk and suitability through the robust assessment mechanisms that already exist under the Act.

2. Consistency with Existing Risk Assessment Frameworks

Persons who are lawfully resident in Australia on a permanent basis are granted that status only after Commonwealth-level character and security assessments under migration law.

While migration screening serves a different regulatory purpose from firearms licensing, it is a relevant context when considering proportional regulatory settings. The proposed subsection does not rely on migration status alone, and instead requires full compliance with section 11 and the fit and proper person requirements under the Act.

3. Preservation of Authorised Officer Discretion

The proposed amendment does not create an entitlement to a licence. All decisions remain subject to the authorised officer's discretion.

Each applicant must independently satisfy the genuine reason requirement and demonstrate that they are a fit and proper person. The amendment merely clarifies that permanent lawful residents may continue to be assessed within this existing framework.

4. Regulatory Certainty and Administrative Clarity

Express legislative recognition of permanent residents provides clarity to both applicants and decision-makers, reduces interpretive ambiguity, and supports consistent application of the Act.

This approach promotes administrative certainty without undermining the Bill's public safety objectives.

5. Public Confidence

By retaining all existing safeguards while clarifying eligibility, the proposed approach supports community safety, regulatory coherence, and public confidence in the firearms licensing regime.