

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

Submission No: 305
Submission By: Lamberr Wungarch Justice Group
Publication: Making the submission and your name public

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Focusing on the Impacts for Indigenous Queenslanders

A Combined Human Rights Analysis of the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* and its impacts on remote Indigenous Queensland communities

-Acknowledgement-

The Lamberr Wungarch Justice Group wish to begin by acknowledging the Turrbal and Yuggera peoples, Traditional Custodians of the land on which we will learn from each other today and pay our respects to their Elders past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples here.



Introduction

The *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* (The Bill) aims to respond to a serious act of terrorism and strengthen public safety. However, throughout the Bill, a consistent theme emerges: the Bill introduces broad, intrusive, and insufficiently justified limitations on rights protected under the *Queensland Human Rights Act 2019* (QHRA).

Indigenous Queenslanders are likely to be disproportionately affected because:

- They already experience higher rates of police contact, surveillance, and criminalisation.

The Lamberr Wungarch Justice Group believes the Bill's Explanatory Notes rely on generalised safety claims, interstate comparisons that are not relevant and administrative convenience, rather than demonstrating an urgent necessity and proportionality. For example, the Lamberr Wungarch Justice Group believes the Government is merely relying on broad statements about community safety and has not considered less restrictive alternatives.

1. Key Human Rights Concerns with Specific Impact on Indigenous Queenslanders

1.1 Privacy (s 25 QHRA)

Warrantless searches and expanded police powers

The Bill introduces warrantless stop, detain, and search powers, including searches of people “merely ‘in the company’ of an FPO subject” (Firearms Prohibition Order)

For Indigenous Queenslanders, who are disproportionately stopped, questioned, and surveilled, these powers heighten the risk of:

- Arbitrary interference with their privacy
- Racial profiling
- Increased police contact and escalation

The compatibility table notes that these powers are intrusive and without judicial oversight and can only be justified for efficiency rather than any criminal necessity.

Expanded use of spent, quashed, or discontinued charges

The Bill allows decision-makers to consider charges that did not result in conviction. The documents emphasise that this will disproportionately affect Aboriginal and Torres Strait Islander people.

This is because Indigenous people are:

- More likely to be charged but not convicted
- More likely to have historical interactions with the justice system
- More vulnerable to decisions based on incomplete or unfair criminal histories

The retrospective validation of past decisions compounds this risk.

1.2 Liberty and Security (s 29 QHRA)

Preparatory offences and expanded detention powers

The new preparatory offence criminalises conduct where a person has not decided precisely what they intend to do.

This creates:

- A broad discretion and the opportunity for police to act
- A risk of pre-emptive criminalisation
- A disproportionate impact on communities already over-policed

Indigenous Queenslanders—particularly young men—are at heightened risk of being targeted under vague or pre-intent offences.

Lowering thresholds for covert surveillance

Reducing the threshold for controlled operations and surveillance from 7-year to 3-year offences is a dramatic expansion of state power i.e. police power.

Given the history of over-surveillance of First Nations communities, this expansion is likely to:

- Increase covert monitoring
 - Entrench mistrust in policing
 - Capture low-level conduct disproportionately associated with marginalised groups specifically, we fear marginalised Indigenous communities.
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1.3 Equality and Non-Discrimination (s 15 QHRA)

The Bill's measures are more likely to disproportionately affect Aboriginal and Torres Strait Islander people than any other group.

Key drivers include:

- Expanded search powers
- Broader surveillance
- Use of historical or incomplete criminal records
- Increased penalties and exposure to imprisonment

The compatibility table notes that increased penalties lack analysis of “discriminatory impacts”

1.4 Fair Hearing and Natural Justice (s 31 QHRA)

Criminal intelligence secrecy and lack of reasons

FPO decisions may be based on undisclosed criminal intelligence, with no requirement to give reasons. The Lamberr Wungarch Justice Group believes that individuals cannot meaningfully challenge an FPO if they cannot see the evidence against them.

For Indigenous Queenslanders, this compounds existing barriers to justice:

- Limited access to legal representation
- Language and cultural barriers
- Historical mistrust of police and courts

Reversal of the evidential burden

The Bill repeatedly shifts the evidential burden to the accused. Lamberr Wungarch Justice Group note that this is justified on the grounds of administrative convenience.

This disproportionately harms people with:

- Lower literacy
- Limited legal knowledge
- Fewer resources to gather evidence

All of these factors will disproportionately affect First Nations people.

1.5 Retrospective Laws (s 35 QHRA)

The Bill retrospectively validates licensing decisions that may have been unlawful. The justification for this outcome is thin and inconsistent with the QHRA's presumption against retrospectivity.

For Indigenous Queenslanders, retrospective validation:

- Removes avenues for redress
 - Entrenches past injustices
 - Legitimises decisions potentially affected by bias or flawed processes
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2. Likely Concerns of the Queensland Human Rights Commission

Based on the documents, the Lamberr Wungarch Justice Group and we believe the QHRC would likely raise the following concerns:

2.1 Failure to meet s 13 proportionality requirements

The Bills proposed proportionality could be best described as:

- “Limited”
- “Incomplete”
- “Weak”
- “Not convincingly justified”

Lamberr Wungarch Justice Group and the QHRC would conclude that the Bill does not demonstrate that limitations placed on individuals rights and amplified within the Indigenous community would be:

- Necessary
- Reasonable
- Proportionate
- Or the least restrictive means of addressing the issue

2.2 Overbreadth and vagueness

The “prohibited expressions” offence, uses an “unusually low threshold (‘offended’)” The QHRC and the Lamberr Wungarch justice Group would be concerned that:

- The offence is vague
- Therefore, it risks arbitrary enforcement
- It chills legitimate expression, including Indigenous cultural expressions and protest regarding the ongoing colonisation and genocide of Indigenous Australians within Queensland

2.3 Delegation of significant powers to the executive

The ability to prescribe prohibited expressions by regulation raises rule-of-law concerns:

The QHRC and Lamberr Wungarch Justice Group would object to:

- The lack of parliamentary scrutiny
- Risk of executive overreach
- Potential for politically/racially motivated regulation as is the case with other recent Acts that have modified the Queensland Law

2.4 Disproportionate impact on marginalised groups

The documents repeatedly highlight foreseeable disproportionate impacts on Aboriginal and Torres Strait Islander people.

Lamberr Wungarch Justice Group and the QHRC would likely emphasise:

- The need for an equality impact assessment
- The failure of the Notes to address discriminatory effects
- The risk of entrenching systemic disadvantage
- The removal or chilling effect of legitimate protest

2.5 Procedural fairness deficits

The Lamberr Wungarch Justice Group is fearful of:

- Criminal intelligence secrecy
- Lack of reasons
- Reversed burdens of proof
- Retrospective validation

These undermine the right to a fair hearing and natural justice, something Indigenous Australians have been the subject of for far too long.

3. Conclusion

If enacted, the Bill would significantly expand police powers, surveillance, and criminalisation in ways that will disproportionately affect Aboriginal and Torres Strait Islander peoples. The documents consistently show that the Bills Explanatory Notes and the Bill itself fail to justify these limitations and outcomes for Indigenous Queenslanders, under s 13 of the QHRA.

The Queensland Human Rights Commission we hope would likely conclude that:

- The Bill contains multiple unjustified rights limitations
- The proportionality analysis is insufficient and cursory
- The impacts on Indigenous Queenslanders are serious, foreseeable, and unaddressed
- Several provisions are incompatible with the QHRA

If the panel would like any clarification regarding our submission please feel free to contact the Justice Group.

On behalf of the Board and our community.

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