

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

Submission No: 409

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SUBMISSION- FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

As a citizen of Queensland, I do not support broadening the scope of considerations made by an authorised officer when making firearms licensing decisions.

The basis for my determination is as follows–

Section 5 of the *Criminal Law (Rehabilitation of Offenders) Act 1986* (Qld) ('CLRO Act'), in line with public policy considerations pertaining to Australia's and Queensland's intrinsic tradition of liberal democracy and underpinning Rule of Law, ensures that the judiciary are the independent determinative summary authorities which decide the impact a conviction that is set aside or quashed will have on the criminal history of a person, and that a mere charge/s are not considered part of a person's criminal history. Additionally, the law in section 12 of the *Penalties and Sentences Act 1992* (Qld) ('PSA') provides that the same courts have their independence and judicial integrity further enshrined by permitting discretion in recording convictions and expressly provides that an unrecorded conviction is taken to not be a conviction for any purpose unless expressly provided by another law.

So, whilst the law may be overridden it is not the best decision or essential in these circumstances. In support of this stance, the Qld Police Service Weapons Licensing Group ('WLG') already has a wide capacity of statutory authority to deny a weapons license to a citizen under the *Weapons Act (1990)* (Qld) ('WA') with the *Queensland Community Safety Act 2024* (Qld) amendments of s 10B pertaining to fit and proper persons and the offence classes, which can be relied upon by the WLG to determine the capacity for a person to be fit and proper in holding a weapons license.

In fact, the Office of the Queensland Parliamentary Counsel ('OQPC') already recognizes the appropriateness of having the current law function in the manner it already does with its inclusion of the *CLRO Act* and *PSA* provisions which are under threat from this Bill within in its prominent publications pertaining to 'Principles of good legislation'.¹ Subsequently, and relative to this Bill and the perspective promoted within this submission is the OQPC's 'Principles of good legislation: OPQC guide to FLPs – Criminal history'², which states relative to the *CLRO Act*–

The CLROA provisions

The Criminal Law (Rehabilitation of Offenders) Act 1986 (*CLROA*) regulates the disclosure of information about a person's criminal history.

¹ Principles of good legislation: OQPC guide to FLPs, (17th February 2026)
<<https://www.oqpc.qld.gov.au/instructing-oqpc/flps/oqpc-guide-to-flps>>.

² Page 2: (Version 1, 19 June 2013)
<https://www.oqpc.qld.gov.au/file/Leg_Info_publications_FLP_Criminal_history.pdf>.

If a matter falls within the definition of a person's 'criminal history' under the *CLROA* (see [1]-[7]), the person is not required to disclose the matter other than in particular circumstances and other persons are prohibited from disclosing it (see [8]-[18]).

General views expressed by parliamentary committees regarding abrogation of the *CLROA* provisions

Parliamentary committees have expressed concern about the following types of legislative provisions, on the basis that they tend to erode the rights conferred by the *CLROA*:

- provisions defining 'criminal history' to include matters specifically excluded by the *CLROA* definition (see [20]-[21]); and
- provisions that permit the disclosure of convictions after the expiry of the 'rehabilitation period' prescribed by the *CLROA* (see [22]-[23]); and
- provisions that are unclear as to whether the *CLROA* provisions are displaced (see [24]).

Circumstances in which parliamentary committees have considered the abrogation of the *CLROA* provisions to be justifiable

Parliamentary committees have, however, generally considered that the displacement of the *CLROA* provisions may be justified if the purpose of the displacement is to:

- protect children or other vulnerable persons (see [29]-[38]); or
- protect the public interest or the interests of consumers (see [39]-[47]); or
- reduce risks to authorised inspectors (see [48]-[52]); or
- facilitate the administration of courts or tribunals (see [53]-[55]); or
- prevent crime (see [56]-[57]).

Additionally, the OQPC also acknowledges in the tradition of the Rule of Law that the 'Courts are afforded discretion to record or not record convictions in accordance with the s 12(1) PSA.³

³ Page 5: Principles of good legislation: OQPC guide to FLPs–Criminal history (Version 1, 19 June 2013) <https://www.oqpc.qld.gov.au/file/Leg_Info_publications_FLP_Criminal_history.pdf>.

By supporting this proposed Bill and its changes to defeat the provisions of the *CLRO Act* and the *PSA* is to place further significant power that should otherwise be rested in the hands of the judiciary, but instead into the hands of the executive, a bureaucracy of government i.e. the WLG, which does not answer to the same level of societal expectation as the judiciary would by its ordinary nature would be antipodal to our Rule of Law. Such an action reposes excessive legal power in a non-independent authority, whilst inclusively signaling a lack of government support and or trust for the role of the judiciary in our system of government and its integrity to the wider community; an action of itself which offends good public policy. The WLG's approach to public safety in demanding this change to our law should not be public safety at all costs, that is unreasonable and not in the spirit of the law or reflective of public expectations.

Consequently, in abrogating the judiciary's reasonable discretion, as proposed in this Bill, and assessing the proposal in accordance with the OPQC guide, does the fact that the WLG having existing substantive and comprehensive powers under the *WA* to determine whether a person is fit and proper to hold a weapons license necessitate the need to retract / constrain the objects and purposes of the *CLRO Act / PSA*? And in abrogating the *CLRO Act / PSA* for the purposes of the WLG and the underpinning *WA* provisions, does this add value to the administration of the courts or tribunals and show good governance by the Executive Government?

The reasonable law-abiding people, with and without an interest in weapons licensing, that I have discussed this matter with answer these questions in the negative.

Yours Respectfully,

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