

**SUBMISSION TO JUSTICE, INTEGRITY AND COMMUNITY SAFETY –  
SUMMARY OFFENCES (PROTECTION OF THE AUSTRALIAN FLAG)  
AMENDMENT BILL 2026**

L&C | 71/2/1-02 | #7889829

**RECOMMENDATION:**

That Council:

Retrospectively endorses the submission to the Queensland Parliament’s Justice, Integrity and Community Safety Committee regarding the introduction of new specific offences and provisions within the *Summary Offences Act 2005* related to the burning of an Australian Flag in public places.

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**INTERESTED PARTIES:**

N/A

**EXECUTIVE SUMMARY:**

On the 22 April 2026, Mr Robbie Katter MP introduced the Summary Offences (Protection of the Australian Flag) Amendment Bill 2026 (the Bill) into the Queensland Parliament. The Bill seeks to protect the Australian National Flag as a national symbol of shared civic significance and to prohibit the burning of an Australian flag in certain circumstances.

The Bill was referred to the Justice, Integrity and Community Safety Committee for detailed consideration and they have invited interested parties to provide submissions in response to the Bill.

Council officers have drafted a submission in support of the Bill for Council consideration.

**BACKGROUND:**

On 22 April 2026, Mr Robbie Katter MP introduced the Bill seeking to strengthen protections for the Australian National Flag. The Bill aims to recognise the flag as a symbol of shared civic significance and to criminalise the act of burning an Australian flag in public when the behaviour is likely to provoke public disorder, intimidate others, or cause significant offence.

To achieve this, the Bill seeks to amend the *Summary Offences Act 2005* by creating a new offence, outlining factors that may be considered when assessing the conduct, and defining what constitutes an “Australian flag,” including flags with substantially similar layouts.

The Bill's amendments to the *Summary Offences Act 2005* would:

- Create a new offence for burning an Australian flag in a public place where a reasonable person would consider the act likely to provoke disorder, intimidate someone, or significantly offend the community.
- Specify considerations for determining whether the conduct meets this threshold.
- Establish a broad definition of "Australian flag" covering designs that substantially replicate the Union Jack, Commonwealth Star, and Southern Cross, even with variations in colour, size, or style.

The Committee invited submissions from interested parties in response to any aspect of the Bill, with a close date for submissions on the 11 June 2026. A draft copy of the submission was circulated to Councillors for comment prior to this date.

### **COMMENT:**

As the public space manager, the role of Local Government is not to control the right to protest, however it does play an important role in ensuring these can occur safely and with minimal disruption to the broader community.

The Bill is a measured and constructive step towards strengthening community cohesion while preserving the right to peaceful expression. It does not impede legitimate protest; instead, it draws a clear boundary between respectful dissent and conduct that is likely to inflame tensions, intimidate individuals, or provoke disorder. By clarifying when flag-burning becomes harmful rather than symbolic, the Bill provides a practical framework that supports safer public environments and aligns with widely held community expectations.

The Bill's broad and functional definition of the Australian flag, including significantly similar variations featuring the Union Jack, Commonwealth Star and Southern Cross ensures that its intent cannot be undermined through minor design changes. This clarity assists enforcement agencies and Councils alike, reducing ambiguity and supporting consistent application across public settings. Council views this as an important safeguard that reinforces the dignity of national symbols without overreaching into legitimate political expression.

### **OPTIONS:**

#### **Option 1 (recommended):**

That Council;

Retrospectively endorses the submission to the Queensland Parliament's Justice, Integrity and Community Safety Committee regarding the introduction of new specific offences and provisions within the *Summary Offences Act 2005* related to the burning of an Australian Flag in public places.

#### **Option 2:**

That Council does not endorse the attached submission to the Committee and requests that it be withdrawn.

## **CONSIDERATIONS:**

### **Corporate and Operational Plans:**

Councils' submission to the Justice, Integrity and Community Safety Committee supports the following pillars of Council's Corporate Plan 2025-2030:

Focus 3: Design for liveability - *A place-based approach that celebrates our community*

- Proactive advocacy and collaboration with state and federal governments
- Address opportunities for connected communities
- Promote a vibrant community that supports wellbeing, safety and resilience

## **ATTACHMENTS:**

Attachment 1 - CRC Submission to the Justice, Integrity and Community Safety Committee - Inquiry into the Summary Offences (Protection of the Australian Flag) Amendment Bill 2026. (DM#7888875)



Andrew Moore  
Executive Manager Community Life



Destry Puia  
Director Lifestyle & Community

Attachment 1 – Signed CRC Submission to the Justice, Integrity and Community Safety Committee - Inquiry into the Summary Offences (Protection of the Australian Flag) Amendment Bill 2026.



**Amy Eden**

Mayor

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OUR REF: #7888875

11 June 2026

Justice, Integrity and  
Community Safety Committee

Dear Committee,

**Inquiry into the Summary Offences (Protection of the Australian Flag) Amendment Bill  
2026**

Cairns Regional Council is writing to express support for the *Summary Offences (Protection of the Australian Flag) Amendment Bill 2026* and welcomes the opportunity to reinforce respect for the Australian National Flag as a unifying symbol of our shared civic identity. The Australian flag is the one flag recognised across the nation and internationally, carried by our Defence Force, displayed in our civic institutions, and embraced by communities during moments of pride, remembrance, and national significance.

The Bill does not restrict peaceful protest or legitimate political expression; rather, it provides clarity around behaviour that crosses the line into harmful or inflammatory conduct. Council recognises the Bill's intent to prevent deliberate desecration of the flag in ways likely to provoke public disorder, intimidate individuals, or cause significant offence within the community.

The Bill's definition of the Australian flag, including significantly similar variations incorporating the Union Jack, Commonwealth Star and Southern Cross, provides practical clarity for enforcement and ensures that the intent of the legislation cannot be easily circumvented. Council believes this approach aligns with community expectations and reinforces the importance of treating national symbols with respect.

Council also recognises that protecting the Australian flag is not about limiting dissent but about upholding the shared values and identity that bind Australians together. National symbols play a vital role in fostering unity, and Council supports efforts to ensure they are treated with dignity in public settings.

While Council supports the Bill, it also recommends that consideration be given to extending similar protections to the other nationally recognised flags of Australia, including the Aboriginal Flag and the Torres Strait Islander Flag. These flags hold deep cultural, historical, and national significance, and Council believes they warrant equal respect and safeguarding within the legislative framework.

Council therefore reaffirms its support for the *Summary Offences (Protection of the Australian Flag) Amendment Bill 2026*, recognising it as a balanced measure that protects a unifying

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national symbol while preserving the fundamental right to peaceful expression. By clearly defining unacceptable conduct and reinforcing shared civic values, the Bill strengthens social cohesion and reflects the expectations of the Australian community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Amy Eden', written in a cursive style.

Cr Amy Eden  
Mayor