

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

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by the Honourable Daniel Purdie MP, Minister for Police and Emergency Services

Title of the Bill

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

Objectives of the amendments

The Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (the Bill) inserts new section 52DA into the Criminal Code to make it an offence to publicly recite, publicly distribute, publish or publicly display a prohibited expression in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended, unless the person has a reasonable excuse.

These amendments remove the regulation-making power for the prescription of a prohibited expression under the Bill. This approach ensures the scope of operation of the prohibited expressions offence cannot be expanded by a future regulation. Instead, any change to the offence would need to occur via an amending Act and subject to ordinary parliamentary processes.

The Justice, Integrity and Community Safety Committee (the Committee) was tasked with inquiring into the Bill and provided its report to Parliament on 27 February 2026. In submissions to the Committee and general public commentary since the introduction of the Bill, concerns have been raised about the proposed regulation-making power for the prohibited expressions. These focused on the absence of parliamentary scrutiny over which expressions may be prescribed and the potential for the power to be misused and politicised by future Governments.

To guard against the potential for future misuse of the regulation-making power, an objective of these amendments is to remove the power to prescribe prohibited expressions from the Bill.

Prohibiting expressions in the primary legislation

The clear and unequivocal intention of the Bill is to address the alarming rise in antisemitism in Queensland.

Since the 7 October 2023 terrorist attack in the State of Israel committed by Hamas, antisemitic incidents across Australia have significantly escalated to a regrettable peak. This was exemplified by the horrific Bondi Beach terrorist attack, which was the deadliest in Australian history.

This is consistent with observations made by the Director-General of Security, Mr Mike Burgess AM, who stated in the Australian Security Intelligence Organisation *2025 Annual Threat Assessment* that:¹

Antisemitism festered in Australia before the tragic events in the Middle East, but the drawn-out conflict gave it oxygen—and gave some antisemites an excuse.

Jewish Australians were also increasingly conflated with the State of Israel, leading to an increase in antisemitic incidents.

The normalisation of violent protest and intimidating behaviour lowered the threshold for provocative and potentially violent acts. Narratives originally centred on “freeing Palestine” expanded to include incitements to “kill the Jews”. Threats transitioned from harassment and intimidation to specific targeting of Jewish communities, places of worship and prominent figures.

Data collected by the Queensland Jewish Board of Deputies indicate that anti-Jewish incidents in Queensland have increased by 188% between 2022 and 2025.² However, this number likely understates the problem because fear of retribution results in underreporting. This accords with data collected by the Executive Council of Australian Jewry indicating year-on-year increases across Australia for the same period.³

Stakeholders consider particular phrases and expressions represent a normalisation and legitimisation of antisemitism. The Crisafulli Government considers that the use of particular expressions is a precursor to violence and terrorism against Jewish people.

Accordingly, it is an objective of the amendments to prescribe particular expressions in the primary legislation.

¹ Mike Burgess, ‘Director-General’s Annual Threat Assessment 2025’ (Speech, 19 February 2025).

² Queensland Jewish Board of Deputies, Submission No 44 to Justice, Integrity and Community Safety Committee, Parliament of Queensland, *Inquiry into the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* (17 February 2026) 2.

³ Office of the Special Envoy to Combat Antisemitism, Submission No 295 to Justice, Integrity and Community Safety Committee, Parliament of Queensland, *Inquiry into the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* (19 February 2026) 5.

Operation of the prohibited expressions offence

As outlined in the explanatory notes for the Bill, a non-exhaustive list of reasonable excuses is provided, that replicates those provided for under section 52D(2) of the Criminal Code under the existing prohibited symbols offence.

Despite the stated policy intention, the Bill inadvertently did not replicate the full scope of the reasonable excuse defence as it applies to the prohibited symbols offence for the new prohibited expressions offence. The amendments are intended to address this oversight.

Achievement of the objectives

Removing the power to prescribe expressions by regulation

The amendments remove the regulation-making power for the prescription of a prohibited expression under the Bill. This approach ensures that the scope of operation of the prohibited expressions offence cannot be expanded by a future regulation. Instead, any change to the offence would need to occur via an amending Act and subject to ordinary parliamentary processes.

Prohibiting expressions in the primary legislation

The amendments provide a new definition of a ‘prohibited expression’ to mean either of the expressions ‘*from the river to the sea*’ or ‘*globalise the intifada*’. These expressions have been identified by the Government as representative of an ideology of extreme prejudice against Jewish people and their inclusion as prohibited expressions is necessary to prevent their use to incite discrimination, hostility or violence against Jewish Queenslanders.

The Committee heard many deeply troubling examples of antisemitism that have become all too common for Jewish Queenslanders. It also heard from and/or received submissions from entities or individuals, including the Special Envoy to Combat Antisemitism (Special Envoy) and the Queensland Jewish Board of Deputies, who argued the expressions, when interpreted in light of their historical context, are understood by Jewish Queenslanders to constitute calls for extreme violence against Jewish people.

In connection with the word ‘intifada’ the Special Envoy and the Queensland Jewish Board of Deputies gave evidence to the Committee that calls to ‘*globalise the intifada*’ are understood by the Australian Jewish community to call for Australians to participate in a violent uprising against Israeli citizens, and Jewish people in particular.

The Special Envoy and the Queensland Jewish Board of Deputies also highlighted that the expression ‘*from the river to the sea*’ has been invoked to advocate for the destruction of the State of Israel and the ethnic cleansing or genocide of its Jewish population from the entire geographic area from the Jordan River to the Mediterranean Sea. These submitters also drew attention to examples where Hamas has used this

slogan to advocate for violence against Jewish people and sympathisers of that terrorist organisation have used it to indicate support for its actions and ideology.

The Queensland Jewish Board of Deputies and the Special Envoy submitted that the impact of the expressions on many Jewish people in Queensland is to make them feel vilified, unwelcome and unsafe.

The Australian Senate also passed a bipartisan motion noting that ‘*from the river to the sea*’ is frequently used by those who seek to intimidate Jewish Australians via acts of antisemitism.⁴

It is not an offence that stifles free speech. It does not outright prohibit the mere use of the expressions. Rather, it targets speech that might reasonably be expected to cause a person to feel menaced, harassed or offended. This allows police officers and the courts to consider the context in which the expression was used and to protect our communities from the harm caused by the hateful and extremist ideology of antisemitism.

Operation of the prohibited expressions offence

The new prohibited expressions offence as inserted by the Bill is amended to ensure that where the person engages in the conduct that is alleged to constitute the offence in opposition to the ideology represented by the prohibited expression, the person will have a reasonable excuse, provided the person’s conduct was, in the circumstances, reasonable for the purpose.

Alternative ways of achieving policy objectives

There are no alternative ways of proscribing the expressions in primary legislation and achieving the policy objective other than by the proposed legislative amendment.

Estimated cost for government implementation

There are no anticipated costs for government in implementing the amendments.

Consistency with fundamental legislative principles

The amendments, to the extent that they amend the definition of a prohibited expression to mean either of the two specified expressions, represent a potential departure from the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals – *Legislative Standards Act 1992* (LSA), section 2(a). These amendments inhibit some forms of communication involving the two expressions thereby limiting rights, including the right to freedom of expression. Any limitation on these rights and liberties is dealt with in the statement of compatibility with human rights.

⁴ Commonwealth, *Parliamentary Debates*, Senate, 16 May 2024, 1735-1738.

The explanatory notes to the Bill identified a potential breach of section 4(4)(c) of the LSA, which provides that a Bill must have sufficient regard to the institution of Parliament and should only authorise the amendment of an Act by another Act. This potential breach of the LSA is obviated because the ability to declare expressions as prohibited by regulation is removed by these amendments.

Consultation

No consultation was undertaken due to the remedial nature of the amendments and because they respond to submissions made to the Committee.

Notes on provisions

Amendment 1 amends clause 4 (Amendment of s 52C) of the Bill by omitting line 9 to 14 on page 9 to remove reference to ‘expressions’ and related consequential amendments to that section.

Amendment 2 amends clause 4 (Amendment of s 52C) of the Bill by omitting lines 2 to 10 on page 10 to remove the insertion of new subparagraph (1A).

Amendment 3 amends clause 4 (Amendment of s 52C) of the Bill by omitting lines 21 to 32 on page 10 to remove subclauses (8) and (9).

Amendment 4 amends clause 4 (Amendment of s 52C) of the Bill by omitting ‘or (1A(a))’ on page 11, line 5, as this subsection is removed by amendment 2.

Amendment 5 amends clause 7 (Insertion of new s 52DA) of the Bill by replacing the word ‘either’ with ‘any’ at page 14, line 11.

Amendment 6 amends clause 7 (Insertion of new s 52DA) of the Bill by removing the word ‘and’ on page 14, line 20, as it is no longer necessary at this juncture.

Amendment 7 amends clause 7 (Insertion of new s 52DA) of the Bill by inserting new paragraph (iii) to section 52DA(2)(a) to provide that a person has a reasonable excuse if the person engaged in the conduct that is alleged to constitute the offence in opposition to the ideology represented by the prohibited expression.

Amendment 8 amends clause 7 (Insertion of new s 52DA) to replace the definition of a prohibited expression to mean either ‘*from the river to the sea*’ or ‘*globalise the intifada*’.