

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

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Submission to the
Justice, Integrity and Community Safety Committee

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

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1. The Queensland Council of Unions (**QCU**) is the peak council of registered unions in Queensland representing 25 affiliated unions and around 400,000 workers. We have a proud history of representing the voices of Queensland workers since 1885, and have been advocating for their industrial, social, and political interests since that time.
2. We welcome the opportunity to make a submission to the Justice, Integrity and Community Safety Committee's (**the Committee**) inquiry into the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (**the Bill**).
3. The QCU supports strong, effective action to combat antisemitism, racism, religious hatred, and violence in all forms. Every Queenslander has the right to live free from hatred, intimidation, and discrimination. However, laws designed to protect communities must themselves respect the fundamental democratic rights they seek to defend.
4. The QCU's submission relates to the Bill's objectives to:
 - (a) strengthen the prohibition of the public use of hate symbols, ensuring it effectively combats their promotion and protects community safety and social cohesion;
 - (b) prohibit the use of expressions used to incite discrimination, hostility or violence towards certain groups; and
 - (c) protect faith communities by ensuring people are not intimidated while accessing places of worship.¹
5. The Bill introduces amendments to the Criminal Code in respect of these matters and in doing so aims to address these matters via a reactive approach only. The proposed reforms focus on enforcement and punishment after relevant conduct has occurred but fail to implement any proactive measures to keep Queenslanders safe from discrimination, vilification, hate, violence, contempt and/or ridicule on the basis of their race, religion, or otherwise.
6. As identified in *The National Anti-Racism Framework*,² systemic and structural racism is deeply embedded throughout Australia and requires an urgent national response,³ including proactive legal protections and reforms such as:

¹ Explanatory Notes, Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 1.

² Australian Human Rights Commission, *The National Anti-Racism Framework: A roadmap to eliminating racism in Australia* (Report, November 2024).

³ Ibid 10.

- (a) amending the *Racial Discrimination Act 1975* (Cwlth) to include a positive duty, to eliminate racial discrimination, by: i) an employer, business or undertaking; ii) in the provision of goods and services, with a particular focus on health, education, retail and hospitality, sport, housing, and financial settings; iii) in the access to places and facilities; and iv) in the provision of land, housing and other accommodation;⁴ and
- (b) amending the *Racial Discrimination Act 1975* (Cwlth) to provide powers to the Australian Human Rights Commission (**AHRC**) to assess compliance with, and enforce, the positive duty, including providing the AHRC with the power and funding to: i) undertake assessments of the extent to which an organisation has complied with the duty, and issue compliance notices if it considers that an organisation has failed to comply; ii) enter into enforceable undertakings with the organisation; and iii) apply to the relevant Court for an order requiring compliance with the positive duty.⁵

7. In September 2024, congruent reforms were introduced into Queensland's *Anti-Discrimination Act 1991 (AD Act)* by way of the *Respect at Work and Other Matters Amendment Act 2024 (Respect at Work reforms)*. Relevantly, the Respect at Work reforms included:

- (a) a positive duty (on comparable duty holders to those referenced in 5.(a) above) to take reasonable and proportionate measures to eliminate discrimination (in respect of all attributes prescribed in the AD Act, including 'race' and 'religious belief or religious activity'), sexual harassment, harassment on the basis of sex or other objectionable conduct (including vilification on the grounds of race or religion) as far as possible;⁶ and
- (b) providing the Queensland Human Rights Commission (**QHRC**) with the power to: i) investigate compliance with the positive duty; ii) enter into enforceable undertakings; iii) issue compliance notices; and iv) apply to the relevant tribunal for an order requiring a person to comply with the issued compliance notice;⁷ and
- (c) requiring the QHRC to publish guidelines about how persons may comply with the positive duty.⁸

⁴ Ibid 16.

⁵ Ibid 17.

⁶ *Respect at Work and Other Matters Amendment Act 2024* s 25.

⁷ Ibid s 39.

⁸ Ibid.

8. The Respect at Work reforms also included enhanced vilification protections (including on the grounds of race and religion) to protect Queenslanders from:

- (a) public acts that a reasonable person would consider hateful towards, reviling, seriously contemptuous of, or seriously ridiculing another person or members of a group; and
- (b) conduct, in a public act, that is likely to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons.⁹

9. A ‘public act’ includes:

- (a) any form of communication, including speaking, writing, displaying notices, playing of recorded material, broadcasting and communicating through social media and other electronic methods, to the public;
- (b) any conduct, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, observable by the public;
- (c) the distribution or dissemination of any matter to the public (but does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter).¹⁰

10. These are proactive protections Queenslanders would benefit from today had the Respect at Work reforms not been indefinitely paused by the Crisafulli Government. They complement the reforms in the Bill and should commence without delay.

Recommendation 1

Sections 21, 25 and 39 of the *Respect at Work and Other Matters Amendment Act 2024* should commence no later than the date of assent of the Bill should it be passed.

11. The Bill seeks to unreasonably limit every Queensland's right to freedom of expression, as prescribed in section 21 of the *Human Rights Act 2019* (Qld), by introducing an offence relating to the recital, distribution, publication or display of a ‘prohibited expression’.

12. The Bill fundamentally weakens the legal safeguards that currently protect Queenslanders from arbitrary criminalisation of speech. Under the existing Criminal

⁹ Ibid s 21.

¹⁰ Ibid, see 124B.

Code framework, an expression or symbol may only be prohibited where it is widely known to represent an ideology of extreme prejudice. This is an objective test grounded in evidence, community understanding, and legal certainty.

13. The Bill abandons that safeguard and replaces it with a subjective and political test. It allows an expression to be prohibited if a Minister is merely 'satisfied' that it is 'regularly used' to incite discrimination, hostility or violence. This is not an objective legal standard. It is a discretionary political judgment.
14. There is no clear definition of what constitutes 'regularly used'. There is no requirement for broad community consensus. There is no requirement for independent legal determination. There is no objective threshold that must be met.
15. This transforms what is currently a legal test into a subjective political one.
16. The risks associated with this subjective test are not theoretical. The Attorney-General has already indicated publicly, through media commentary, the Government's intention to criminalise the expression "from the river to the sea." This example illustrates the danger of allowing expressions to be prohibited based on ministerial satisfaction rather than objective legal criteria.
17. The phrase "from the river to the sea" refers to the geographic area between the Jordan River and the Mediterranean Sea. For many Palestinians and their supporters, the expression is used to convey a political aspiration for freedom, self-determination, and the right to live peacefully and equally within that geographic area. The fact that the phrase is politically contested and subject to differing interpretations underscores precisely why objective legal standards are essential. Criminal law must not depend on subjective political interpretation.
18. The QCU supports the right of all Queenslanders to engage in peaceful protest, including those advocating for peace and resolution to the ongoing conflict in Gaza. This includes the right to advocate for the recognition of the Palestinian people and their right to live safely and peacefully. Peaceful political advocacy must not be criminalised through vague or subjective legal standards.
19. The Human Rights Act recognises that freedom of expression may be subject to reasonable limitations. But those limitations must be demonstrably justified, necessary, proportionate, and based on objective evidence.
20. This Bill fails that test.
21. By replacing objective legal safeguards with subjective ministerial discretion, the Bill creates uncertainty, undermines legal certainty, and exposes Queenslanders to criminal sanction based on political judgment rather than legal principle.
22. This is not a reasonable limitation. It is an unreasonable expansion of executive power.

Conclusion

Queenslanders have the right to live free from hate and violence. They also have the right to speak, protest, and advocate without fear of arbitrary criminalisation.

This Bill undermines that balance. It replaces objective legal safeguards with subjective political discretion. It risks criminalising political expression. And it weakens the integrity of Queensland's human rights framework.