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

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Submission in Opposition to the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill

Action Ready is a not-for-profit, volunteer-run organisation of legal professionals, students and community members whose focus is provision of legal information and observations to support safe and informed political assembly. Our members include people with expertise in human rights, civil and criminal law. We organise on stolen Yuggera, Turrbal, Yugarapul and Quandamooka land and pay our deep respects to Elders past and present.

This submission is a registration of our dissent in the strongest terms to the amendments proposed in the "Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026" (**Bill**). We predominately discuss the prohibition of expressions, "globalise the intifada" and "from the river to the sea" (**proposed amendments**). We also record our dissent to the proposal to expand the scope of the existing prohibited symbols ban to include symbols of a prescribed organisation (**expanded symbols ban**).

The exclusion of commentary on other components of the Bill is not to be taken as our acquiescence. To the contrary, we hold serious preliminary concerns about the reach of the proposed amendments to the *Police Powers and Responsibilities Act 2000 (Qld),* but the rushed submission period has restricted our ability as a volunteer organisation to analyse the Bill in its entirety.

In short, we oppose entirely the adoption of the proposed amendments because they are both unlawful and illegitimate by:

(1) unjustifiably limiting Queensland's enshrined human rights, particularly the freedom of belief and expression in the *Human Rights Act 2019 (Qld)*

(2) burdening the Constitutional freedom of political communication in a manner not reasonable or appropriately adapted

(3) breaching Queensland's own *Legislative Standards Act 1992 (Qld)* by including inappropriate powers within regulation

(4) increasing cultural unsafety for Palestinian people in Australia

(5) having no coherent relationship with their stated objective to deter antisemitic behaviour and belief, instead inciting fear of engaging in legitimate political protest

The proposed amendments are **a thinly veiled criminalisation of legitimate political speech** and dissent under the guise of protecting the public and deterring antisemitic expression. They seek to criminalise, particularly, and exclusively, dissent to the State of Israel's well-documented genocide and apartheid regime perpetrated against Palestinian people since the middle of the twentieth century and escalated in more recent times. We interpret this move by the Queensland Government as a direct threat to human rights and political freedoms in the State and a clear example of fascist legislation aimed at suppressing opposition via the threat of more police violence and prosecution.

To understand the depravity of characterising the targeted expressions as "terrorist slogans", as Premier Crisafulli and Attorney General Frecklington did in their joint media statement on the release of the Bill, might be assisted by a basic understanding of the domestic context of the targeted expressions. Hundreds of thousands of Australian citizens (including Jewish people) have chanted "from the river to the sea" and "globalise the intifada" over many years, as expressions of solidarity with Palestinians who live under the illegal and unfathomably violent occupation of the State of Israel. **These chants can be described as a prayer for the freedom and recognition of not only Palestinians, but all colonised peoples.**

However, we suspect that the Queensland Government is aware of this widely understood interpretation of the targeted expressions, and criminalising critique of Israel's genocide and apartheid policy is no innocent mistake. Rather, we borrow from Professor Gould's scholarship to opine that **the proposed amendments are part of a strategy to "shift common-sense understandings of terms through censorious acts of decontextualization and political manipulation.**"[1] This government's fear of these expressions is unsurprising given the parallels that can and are being drawn by Australians between the violence of Israel's settler colonialism and that of Queensland and Australia against Aboriginal and Torres Strait Islander people.

As such we don't propose to waste words setting out the history of the expressions this government has crudely deemed "terrorist slogans" via the Bill. Nor do we feel we have the expertise to do so in any detail that they warrant.[2]

From a rule of law perspective alone, it ought to be enough to point out that the targeted expressions (like most expressions) are imbued with context and meaning at all and are, as such, **utterly inappropriate for blanket criminalisation**; especially where prosecuted by police officers whose job it will be under the proposed amendment to hypothesise when the use of such a phrase could be expected to make a hypothetical person "feel menaced, harassed or offended." We note that existing criminal laws in Queensland already address conduct involving threats, violence,

[1] See Rebecca Ruth Gould, "What does free speech have to do with Palestinian liberation? On resisting genocidal epistemicide (13 September 2025).

[2] Instead read Sternfeld, L.B (2024), "Settler colonialism, "From the River to the Sea" and the Israeli Case after October 7" *Shofar: An Interdisciplinary Journal of Jewish Studies* 42(1): 235-241.

intimidation and harassment with aggravated penalties where conduct relates to racial or other attribute-based discrimination.[3] Could the targeted expressions be properly characterised as hate-speech (they cannot), the Queensland criminal law would already provide a pathway to prosecution via these existing powers. What then, we ask, is the legitimate purpose of the proposed amendments?

Also gravely concerning is the Bill's proposed delegation of power to add more prohibited expressions to the realm of regulation, translating to a **complete absence of Parliamentary scrutiny over the addition of new phrases that individual decision-makers deem capable of causing offence**. In a future where this Bill as proposed passes Parliament, Ministers alone will have the power to dictate what can and can't be said or brandished without risk of prosecution. The Explanatory Memorandum itself notes that this is likely in breach of s 4(4)(c) of the *Legislative Standards Act 1992 (Qld)* which provides that only another Act ought to authorise an amendment of an Act. A Bill which does otherwise, is at risk of breaching the fundamental legislative principles by having insufficient regard to the institution of Parliament.

Not only does this proposed legal architecture limit parliamentary debate, but it also greatly reduces the likelihood that members of the public will be warned in advance of the criminalisation of their speech, writing or dress. This risks what we suspect may be a hidden agenda of the proposed amendments - the incitement of fear and uncertainty amongst politically engaged community members to **dampen their legitimate protest activity.**

The same criticism applies to the proposed expanded symbols ban. The expanded symbols ban will apply to symbols of prescribed terrorist organisations but does not require that the symbols are used solely or predominately to identify an organisation; nor is there a requirement to include specification of precisely the symbols that become banned. Constitutional law expert, Professor Emerita Anne Twomey from the University of Sydney, has cautioned that this could mean that everyday symbols or symbols with multiple meanings – if adopted by prescribed terrorist organisations in any of their published material – could fall within the scope of the proposed expanded symbols ban.[4] This again proliferates uncertainty and confusion in the community, and provides an enormous window of discretion for police as to when to charge and prosecute, risking further discriminatory application in practice of the criminal law.

Contrary to the indefensible opinion set out by Daniel Purdie MP in his Statement of Compatibility required by Part 3 of the Human Rights Act, the proposed amendments – including the expanded symbols ban - would see **a flagrant, unjustifiable limitation on those human rights enshrined,** including but not limited to the right to

[3] Criminal Code 1899, s 52A.

[4] Anne Twomey, "Banning Political Slogans and Symbols in Queensland", (Constitutional Clarion), Accessible at www.youtube.com/constitutionalclarion1901.

recognition and equality before the law (s 18), peaceful assembly (s 16), freedom of thought, conscience, religion and belief (s 22), freedom of expression (s 21), culture (s 28), and liberty (s 29). By failing to meaningfully address the foreseeable impact of the offence in the context of protests, the Statement of Compatibility does not adequately engage with the full scope of rights limited by the proposed prohibited expressions offence. In particular, its burden on peaceful assembly and freedom of association (s 16) and participation in public life (s 23). Further, the Statement of Compatibility concedes that less restrictive and reasonably available alternatives exist, but dismisses those alternatives on the basis that the prescription of specific phrases would "leave no doubt" as to unacceptability and "facilitate successful prosecution". **Enforcement convenience is not a sufficient basis to establish necessity or proportionality** under section 13 where the law burdens political expression and assembly. As such, the justification burden under section 13 of the Human Rights Act has not been meaningfully discharged. The Committee should treat the Statement of Compatibility as requiring further scrutiny and not as an adequate justification for the proposed amendments.

It is also highly likely in our opinion that the High Court of Australia, based on its previous interpretations of the implied freedom of political communication in the Constitution of Australia, will find that **the proposed amendments are constitutionally invalid**. Any burden on the implied constitutional freedom of political communication must be reasonably appropriate and adapted to a legitimate end, meaning it is suitable, necessary and adequate in balance.[5] Given what has been discussed above regarding the proposed amendments' ill-necessity coupled with their unjustifiable limitations on human rights, there is good reason to doubt that they would meet the test set out by the High Court. It has long been determined that **a person feeling insulted by political communication does not justify its limitation**.[6] Passing laws which are *prima facie* highly vulnerable to legal challenge under the Constitution will again contribute to a climate of chaos and uncertainty in the interim and again reveal the proposed amendments as a political manoeuvre as opposed to a genuine attempt at lawful legislating.

Crucially, **the proposed amendments will not reduce the prevalence of antisemitism in this country** as the Government claims. They do not address hate speech. Were the laws genuinely targeted at enhancing the safety of the public forum for people with particular attributes, the Queensland Government would have addressed other documented escalations in discrimination, such as in Islamophobia. For example, Australia's Special Envoy to Combat Islamophobia, Aftab Malik, in September 2025 reported that in 2024, a survey undertaken by the Scanlon Institute

[5] *McCloy v New South Wales* [2015] HCA 34, [2]. Per French CJ, Kiefel, Bell and Keane JJ.

[6] *Coleman v Power* [2004] HCA 39.

found that over a third of Australians (34%) express negative attitudes towards Muslims, an increase from 27% in the year before.[7]

Instead, the proposed amendments - in part by bundling gun reforms targeted at "terrorists" with criminalisation of chants associated with Arab-centred protest – **fuel false equivalencies between pro-Palestinian advocacy and acts of violence or antisemitism.**

It is telling that while the Bill proposes to criminalise very particular expressions and symbols, Action Ready legal observers have over the years repeatedly documented Queensland Police Officers wearing "thin blue line" patches, which have been associated with white supremacist ideology while policing Black Lives Matter events. No response has been met by the Queensland Government to the parading of these offensive symbols by its armed forces. While the Explanatory Memoranda is clear that the proposed amendments are made in response to the mass shooting event at Bondi Beach in 2025, they make no mention of escalating threats to Aboriginal and Torres Strait Islander people, evidenced by the attempted bombing at an Invasion Day rally in Perth on 26 January this year. These hypocrisies assist to reveal the proposed amendments for what they are – a prohibition on dissent to State sanctioned, genocidal colonisation parading as the protection of Jewish people.

We have herein recorded our fierce dissent to the Bill in its current form. The nature of the proposed amendments and their flagrant dishonesty give us cause to fear that a new era of fascist legislation is debuting in Queensland. We implore that the Committee consider the striking parallels with this Bill and international examples of so-called "anti-terrorist" laws ultimately being used to silence legitimate dissenters who present ideological threats to authority.[8]

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[7] Aftab Malik, A National Response to Islamophobia (September 2025), 27. Accessible at https://www.oseci.gov.au/sites/default/files/2025-09/national-response-final-report.pdf.

[8] See, for example, Arundhati Roy's prosecution under India's *Unlawful Activities (Prevention) Act* as a result of her speaking in defence of Kashmiri self-determination, and, more recently, the February 2026 High Court ruling in the United Kingdom that Palestine Action's proscription as a terrorist group was unlawful.