

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

Submission No: 031

Submission By: Muslim Votes Matter

Publication: Making the submission and your name public

Submission to the Justice, Integrity And Community Safety Committee Inquiry into the Fighting Antisemitism And Keeping Guns Out Of The Hands Of Terrorists And Criminals Amendment Bill 2026



Muslim Votes Matter

Muslim Votes Matter (MVM) is a non-partisan, national, grassroots initiative established to strengthen political participation, representation, and advocacy within Australia's Muslim communities. MVM operates at the intersection of community mobilisation, political strategy, and advocacy. It engages with diverse Muslim communities across ethnic, sectarian, generational, and linguistic lines, and works collaboratively with other civil society and grassroots organisations. It also supports emerging Muslim leaders and advocates to engage with the political process, build civic literacy, and challenge the marginalisation of their communities.

Contents

1. Executive Summary.....	4
2. Purpose, standing, and approach of the submission	5
3. Legislative Architecture and Structural Concerns.....	6
3.1 Integrated Regulatory Framework	6
3.2 Expansion of Executive Criminalisation Through Regulation	7
3.3 Perception-Based Harm Thresholds and Legal Uncertainty.....	8
3.4 Enforcement Amplification: From Expression to Investigation	9
3.5 Cumulative Effect on Lawful Political Participation.....	10
4. Extension of the Definition of Prohibited Hate Symbols	10
4.1 Scope and Purpose of the Amendment	10
4.2 Ministerial Prescription and Discretion	11
4.3 Social, Historical and Political Context	12
4.4 Risk of Disproportionate Impact	12
4.5 Existing Legal Framework and Necessity	13
5. Prohibited Expressions: Regulation of Political Speech	14
5.1 Scope and Operation of the Proposed Provision	14
5.2 Regulation by Delegated Legislation in Practice	14
5.3 The “Menaced, Harassed or Offended” Threshold	15
5.4 Political Communication and Foreign State Criticism	16
5.5 Existing Legal Protections and Necessity	16
5.6 Recommendation: Removal or Substantial Amendment	17
6. Enforcement Powers and Practical Operation.....	18
6.1 Overview of the Proposed Expansion of Police Powers.....	18
6.2 Warrantless Search and Proportionality.....	18
6.3 From Expression to Investigation: Practical Burden	19
6.4 Impact on Peaceful Assembly and Political Participation	20
6.5 Safeguards and Alternative Mechanisms	21

7. Compatibility with the Human Rights Act 2019 (Qld)	21
7.1 Rights Engaged by the Bill.....	21
7.2 Proper Purpose.....	22
7.3 Rational Connection	23
7.4 Necessity and Less Restrictive Means	23
7.5 Adequate Balance and Proportionality	24
7.6 Conclusion on Compatibility	25
8. Firearms Provisions and Legislative Bundling.....	26
8.1 Support for Strengthening Firearms Controls	26
8.2 Legislative Bundling and Process Concerns	26
8.3 Separation for Proper Consideration	27
9. Recommendations.....	27
9.1 Do Not Proceed with the Bill in Its Current Form	27
9.2 Remove Proposed Section 52C(1A).....	27
9.3 Confine Criminal Liability to Demonstrable Harm	28
9.4 Limit Regulation-Based Criminalisation.....	28
9.5 Remove or Narrow Warrantless Search Powers	28
9.6 Preserve Political Communication and Peaceful Assembly	28
9.7 Separate Firearms Amendments.....	29

1. Executive Summary

This submission addresses the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026*.

MVM acknowledges the importance of combating antisemitism, protecting vulnerable communities from violence and intimidation, and strengthening public safety.

Measures directed toward preventing genuine threats and ensuring responsible firearms regulation serve legitimate public purposes. Our concerns do not relate to the objective of community safety, but to the legislative design adopted to pursue it.

The Bill combines firearms reform with amendments that expand criminal liability for prescribed expressions and extend warrantless search powers. While each element may be presented as targeted, their cumulative operation creates an integrated framework that reshapes the regulatory boundaries of lawful political participation.

The proposed insertion of section 52C(1A) introduces criminal liability for publicly using prescribed expressions in circumstances where the expression might reasonably be expected to cause a member of the public to feel “menaced, harassed or offended.” The mechanism relies on executive prescription by regulation, extends to expressions that are “substantially similar,” and adopts an evaluative emotional threshold.

In combination, these features expand the reach of the criminal law beyond direct incitement to violence or unlawful discrimination. Existing provisions of the Criminal Code already criminalise threats, intimidation and incitement to violence against protected groups. The necessity of extending criminal liability to expressions assessed against anticipated emotional response has not been clearly demonstrated.

The Bill further extends warrantless search powers in connection with suspected expression-based offences. Warrantless search powers are ordinarily reserved for urgent circumstances involving serious harm. When applied to expressive conduct assessed against evaluative thresholds, such powers represent a significant intrusion into privacy and liberty and may affect lawful political advocacy and peaceful assembly.

The Bill engages multiple rights protected under the Human Rights Act 2019 (Qld), including freedom of expression, peaceful assembly, privacy and liberty. While combating antisemitism is a legitimate objective, the proportionality of the mechanisms adopted must be carefully assessed. When viewed cumulatively, the regulation-based prescription of expressions, the breadth of the harm threshold, and the expansion of enforcement powers raise substantial questions as to whether the least restrictive means have been adopted.

MVM supports strengthening firearms regulation and preventing access to weapons by individuals who pose genuine risks to public safety. However, combining firearms reform with contested speech-based criminal amendments limits focused parliamentary scrutiny and risks conflating consensus measures with provisions that engage complex human rights considerations.

For these reasons, MVM recommends that:

- The Bill does not proceed in its current form.
- The proposed insertion of section 52C(1A) be removed.
- Any reform relating to expression be confined to clearly defined harm-based criteria expressed in primary legislation.
- Regulation-based criminalisation be strictly limited.
- Warrantless search powers in this context be removed or narrowed.
- Clear safeguards preserve lawful political communication and peaceful assembly.
- Firearms amendments be introduced as standalone legislation.

This approach would allow Parliament to address genuine threats and violence while maintaining fidelity to established principles of criminal law restraint, legislative clarity and the Human Rights Act 2019 (Qld).

2. Purpose, standing, and approach of the submission

The stated objective of the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 is to strengthen protections against hatred, extremism, and violence, while enhancing community safety. MVM recognises the seriousness of these objectives. Laws addressing genuine threats of violence, incitement to harm, and access to dangerous weapons serve an important public interest and must be approached with care and responsibility.

The purpose of this submission is to assess whether the mechanisms adopted in the Bill are necessary, proportionate, and consistent with fundamental principles of representative government, equality before the law, and the Human Rights Act 2019 (Qld). In particular, this submission examines the architecture of the proposed amendments relating to hate symbols, prohibited expressions, and associated enforcement powers.

While the Bill also contains significant reforms to firearms regulation, MVM's primary concern lies with those provisions that regulate speech, expression, and political participation. Expression-related offences engage core democratic freedoms, including political communication and peaceful assembly. For that reason, the bulk of this submission focuses on the speech regulation framework and its interaction with executive discretion and expanded police powers. Firearms provisions are addressed separately, with recommendations concerning legislative structure and parliamentary scrutiny.

This submission does not approach the Bill as a collection of isolated amendments. Rather, it considers the cumulative operation of criminal offences, Ministerial prescription powers, evidentiary thresholds, and enforcement mechanisms. Measures that may appear limited when viewed individually can have materially different effects when operating together. The analysis that follows therefore evaluates both the individual provisions and their combined structural impact.

The scope of this submission is confined to legal design, institutional safeguards, and foreseeable practical consequences. It does not seek to minimise the reality of antisemitism or other forms of prejudice, nor does it question the legitimacy of combating hatred through law. The central question is whether the chosen mechanisms advance that objective in a manner that is demonstrably justified, carefully bounded, and consistent with democratic principles.

3. Legislative Architecture and Structural Concerns

3.1 Integrated Regulatory Framework

The Bill should not be understood as a narrow set of targeted amendments. Rather, it operates as an integrated framework spanning criminal offences, organisational designation, executive discretion, sentencing consequences, and impacts on human rights protected by Queensland legislation. While individual measures may appear limited when viewed in isolation, their combined operation significantly reshapes the boundaries of lawful speech, association, religious leadership, and political advocacy.

A central concern identified in this submission is that the Bill regulates speech and individual consciousness, not only harmful conduct and relational conduct. Several provisions rely on broad evaluative concepts and perception-based thresholds that can expose lawful conduct to investigation and regulatory process even in the absence of demonstrable harm or intent. Safeguards that operate only after exposure has occurred do not adequately mitigate the resulting chilling effects.

The Bill engages criminal liability, regulation-making powers, and expanded enforcement mechanisms in a manner that must be considered cumulatively rather than discretely. Measures that may appear limited when viewed individually may operate differently when combined with executive prescription powers and expanded search authorities.

This submission therefore approaches the Bill not as a collection of isolated amendments, but as a structural shift in the regulation of expression and participation. The analysis that follows evaluates both the individual provisions and their combined institutional impact.

3.2 Expansion of Executive Criminalisation Through Regulation

The Bill's expansion of the regulation-making power in relation to "prohibited expressions" warrants careful reconsideration. Criminalising expression through delegated legislation raises concerns of proportionality and rule-of-law. Where the content of prohibited expression is left to regulation, rather than defined in primary legislation, the scope of criminal liability may be expanded by executive action. This creates a structural risk that the boundaries of prohibited expression may shift over time in response to political pressures rather than principled legislative reform.

From a rule-of-law perspective, offences should be expressed with sufficient clarity and stability to enable individuals to understand in advance what conduct is prohibited. Given the political sensitivity of regulating speech, greater clarity and tighter statutory safeguards are necessary to ensure executive restraint and prevent the gradual expansion of criminalised expression through regulation. Without such safeguards, the structure of the Bill creates an ongoing institutional risk of overreach by future governments, regardless of political persuasion.

Section 52C of the Criminal Code 1899 in its current form confers the power on the Minister to prescribe a symbol by regulation. The Minister does not need to extend that power to include expressions. Expressions that incite violence based on racial, religious, sexual or gender identity are already criminal offences under sections 52A and 52B of the Criminal Code. Police have sufficient powers to identify and prosecute circumstances where violence is being threatened against a protected minority based on their religious, ethnic or sexual identity.

The Statement of Compatibility asserts that prescription of particular phrases provides clarity and deterrence. However, it remains open to question whether criminalising prescribed expressions through delegated legislation, particularly where liability ultimately turns on whether the expression might reasonably be expected to cause a member of the public to feel “menaced, harassed or offended”, represents the least restrictive means of achieving the stated objective.

Where criminal liability may arise from regulation rather than primary legislation, and where the boundaries of prohibited conduct may be expanded through executive action, careful consideration must be given to the institutional implications for parliamentary scrutiny, democratic accountability, and legal certainty.

3.3 Perception-Based Harm Thresholds and Legal Uncertainty

The proposed amendments rely on the threshold that an expression might reasonably be expected to cause a member of the public to feel “menaced, harassed or offended.” While the protection of vulnerable communities from genuine threats and harassment is a legitimate objective, the inclusion of “offended” as a trigger for criminal liability raises particular concerns.

Emotional responses to political speech are inherently variable. What one person experiences as forceful advocacy, another may experience as deeply offensive. A standard that turns on whether a member of the public might reasonably be expected to feel offended risks introducing uncertainty into the criminal law, particularly in politically charged contexts where robust expression is common. The law must distinguish clearly between expression that incites violence or threatens safety, and expression that merely causes discomfort or disagreement.

The Human Rights Act 2019 (Qld) requires that limitations on rights be demonstrably justified. In applying the structured proportionality test under section 13, careful attention must be given to whether the chosen mechanism is necessary and whether less restrictive means are available. Criminalising expression on the basis that it may reasonably be expected to cause offence risks extending the reach of the criminal law beyond what is necessary to prevent serious harm.

In addition, the provision captures not only prescribed expressions, but expressions that are “substantially similar.” This language further expands the scope of potential liability. Where both the content of prohibited expression and the threshold of harm are framed in broad and evaluative terms, individuals may find it difficult to determine in advance whether their speech falls within the scope of criminal prohibition. Such uncertainty carries consequences not only for enforcement, but for the willingness of individuals to engage in lawful political advocacy.

In the context of regulating political communication, clarity and precision are essential. Broad evaluative standards, combined with executive prescription powers, risk uneven application and overreach. The cumulative effect of these drafting choices warrants careful reconsideration.

3.4 Enforcement Amplification: From Expression to Investigation

The Bill also proposes amendments that extend police powers to search without a warrant in circumstances connected to the new expression-based offences. These powers must be assessed not only in isolation, but in light of the expanded scope of criminalised expression described above.

The Statement of Compatibility suggests that the extension of search powers is justified on the basis of operational efficiency and the need for timely intervention. However, convenience or expediency is not, of itself, sufficient justification for limiting fundamental rights. Under section 13 of the Human Rights Act 2019 (Qld), any limitation must be demonstrably justified and proportionate to a legitimate objective.

Warrantless search powers are ordinarily reserved for urgent and serious circumstances where delay would frustrate the prevention of significant harm. Extending such powers to situations where the suspected conduct involves expression that may reasonably be expected to cause a member of the public to feel “menaced, harassed or offended” represents a significant shift in enforcement architecture. The burden on rights arises not only from eventual conviction, but from exposure to stop, detention, search and potential seizure.

Where speech-based suspicion may trigger investigative intrusion, individuals engaged in lawful political advocacy may be exposed to police intervention in circumstances that do not involve imminent violence or concrete threats. The expansion of search powers in this context therefore amplifies the regulatory effect of the expression offences themselves.

The combined operation of expanded expression offences and broadened enforcement powers requires careful scrutiny. Measures that appear procedural when viewed in isolation may materially alter the practical boundary between lawful protest and criminal investigation when operating together.

3.5 Cumulative Effect on Lawful Political Participation

The preceding provisions must be considered cumulatively rather than in isolation. While individual amendments may be presented as targeted responses to specific concerns, their combined operation reshapes the regulatory environment in which lawful political expression occurs.

The Bill brings together executive prescription of expressions, the inclusion of expressions that are “substantially similar,” evaluative harm thresholds based on anticipated emotional response, and expanded enforcement powers. Each element interacts with the others in determining the practical scope of criminal liability.

Where the content of prohibited expression is defined by regulation, liability extends beyond enumerated phrases, and enforcement powers may be exercised in connection with expressive conduct, the boundary between lawful protest and criminal exposure becomes more complex. The practical operation of the framework depends not only on the text of individual provisions but on how they function together.

In politically sensitive contexts, particularly where international conflict or public policy is being debated, symbolic and verbal expression frequently form part of democratic participation. The cumulative design of the Bill therefore has structural implications for how such participation is regulated.

The analysis that follows examines specific provisions in detail. This section has sought to identify how the integrated framework operates as a whole.

4. Extension of the Definition of Prohibited Hate Symbols

4.1 Scope and Purpose of the Amendment

The Bill proposes to extend the definition of “prohibited hate symbols” within the Criminal Code 1899. The amendment expands the existing framework by broadening the categories of symbols that may be prescribed and regulated. This expansion is presented as a measure to combat antisemitism and to prevent the display of symbols associated with hatred and extremism.

The regulation of symbols associated with violence, racial hatred or extremist ideology is a serious matter and may, in appropriate circumstances, serve a legitimate public purpose. However, the breadth of the proposed amendment warrants careful scrutiny. The definition of prohibited symbols is not confined to universally recognised extremist

insignia but is capable of extending to symbols whose meaning may vary depending on social, historical and political context.

The power to prescribe a symbol by regulation engages criminal consequences. As such, the scope and clarity of the definition are central to ensuring that the amendment operates in a manner that is proportionate and consistent with fundamental legal principles. The analysis that follows examines the structure of the prescription power, the role of context in determining meaning, and the potential impact on lawful political expression.

4.2 Ministerial Prescription and Discretion

Section 52C of the Criminal Code 1899 in its current form confers the power on the Minister to prescribe a symbol by regulation. The Bill maintains and reinforces this mechanism within an expanded definitional framework. Where the content of prohibited symbols is determined by regulation rather than defined exhaustively in primary legislation, the exercise of executive discretion assumes central importance.

Criminal liability attaches to the public display of a prescribed symbol. As such, the criteria governing prescription must be sufficiently clear and tightly confined to ensure that the power is exercised in a principled and proportionate manner. The current drafting does not specify detailed statutory safeguards that would constrain the scope of prescription beyond the general objectives of the Act.

Given the serious consequences that may flow from designation, careful consideration must be given to the clarity of the legislative standard and the degree of parliamentary scrutiny that accompanies regulatory prescription. Where the meaning of a symbol may vary across contexts, reliance on regulation without detailed statutory criteria increases the risk that prescription may extend beyond clearly extremist insignia.

The expansion of the definition of prohibited hate symbols therefore heightens the importance of precision in the design and exercise of ministerial discretion. In the absence of clearly articulated statutory boundaries, the regulatory framework must be assessed with particular care.

4.3 Social, Historical and Political Context

The meaning of a symbol is not fixed in abstraction. Symbols may acquire different meanings depending on social, historical and political context. While certain insignia are widely and consistently associated with extremist ideology or racial hatred, other symbols may carry layered or contested meanings across different communities.

The amendment is capable of extending beyond universally recognised extremist symbols to encompass imagery whose significance depends on context. In multicultural democracies, symbols are often used as forms of cultural identity, political solidarity or historical remembrance. The same visual representation may be interpreted differently depending on audience and setting.

The regulation of symbols therefore requires careful attention to context. A symbol used as an expression of cultural identity or political advocacy should not be conflated with a symbol deployed to incite hatred or violence. The absence of detailed statutory guidance as to how context is to be assessed increases the risk that designation and enforcement may occur without adequate regard to the broader social and political meaning of the symbol.

In circumstances where communities engage in lawful political advocacy in relation to international conflicts or domestic social issues, symbolic expression may form part of that participation. Legislative drafting must be sufficiently precise to ensure that such expression is not inadvertently captured within a framework designed to address genuine extremist threats.

4.4 Risk of Disproportionate Impact

The breadth of the amended definition of prohibited hate symbols raises concerns about disproportionate impact on minority communities engaged in lawful political advocacy. In multicultural societies, symbolic expression often forms part of cultural identity, solidarity and protest. Where legislative drafting is broad and reliant on executive prescription, there is a risk that communities whose political expression is visible and contested may bear the practical burden of enforcement.

The draft amendments do not confine prohibition to symbols that are unambiguously associated with violence or extremist ideology. Where designation occurs without detailed statutory safeguards or context-sensitive criteria, communities may experience regulatory scrutiny in circumstances that do not involve incitement or threat.

The potential for disproportionate impact is heightened in politically sensitive environments. Emotional reactions to symbolic expression may be strong, particularly in relation to international conflicts. However, the existence of strong disagreement or offence does not, of itself, justify criminal prohibition. Legislative design must ensure that minority communities are not exposed to uneven enforcement or investigative intrusion solely because their political expression is contentious.

Precision in drafting is therefore essential. Where criminal liability attaches to symbolic display, the law must clearly distinguish between extremist insignia intended to promote hatred or violence and symbols used as part of lawful cultural or political expression. Failure to maintain that distinction risks undermining equal participation in democratic life.

4.5 Existing Legal Framework and Necessity

The Criminal Code 1899 already contains provisions addressing serious vilification and incitement to violence. Sections 52A and 52B criminalise threats and the use of force or violence against a person or group based on race, religion, sexual orientation or gender identity. These offences are directed toward conduct that presents genuine harm or danger.

Where symbols are deployed in a manner that incites violence or threatens safety, existing offences provide a basis for investigation and prosecution. The question that arises is whether the proposed expansion of the prohibited hate symbols framework is necessary to achieve the stated objective, or whether existing provisions are sufficient to address serious harm.

Under section 13 of the Human Rights Act 2019 (Qld), limitations on freedom of expression must be demonstrably justified and proportionate. A key component of that analysis is whether there are less restrictive means reasonably available to achieve the purpose. Where existing criminal provisions already address incitement and threats, the necessity of expanding symbol-based prohibitions requires careful justification.

The regulation of extremist insignia associated with violence may, in appropriate cases, be justified. However, where the amended definition extends beyond symbols that are clearly and exclusively associated with violence or hatred, the proportionality of criminal prohibition becomes more difficult to establish. Legislative expansion should therefore be supported by clear evidence that existing laws are inadequate to address the identified mischief.

5. Prohibited Expressions: Regulation of Political Speech

5.1 Scope and Operation of the Proposed Provision

The Bill proposes to insert a new provision expanding the scope of “prohibited expressions” under section 52C of the Criminal Code 1899. Under the proposed amendment, expressions may be prescribed by regulation, and a person commits an offence if they publicly use a prescribed expression in circumstances where the use might reasonably be expected to cause a member of the public to feel menaced, harassed or offended.

The provision extends beyond expressions that directly incite violence or threaten safety. Liability does not depend upon proof of intent to cause harm or proof of actual harm. Rather, the operative threshold turns on whether the expression might reasonably be expected to produce a specified emotional response in a member of the public.

The drafting further provides that the offence may capture not only prescribed expressions, but expressions that are “substantially similar.” This expands the potential scope of liability beyond the precise wording listed in regulation. In combination with the regulation-making power, this mechanism creates a framework in which the boundaries of prohibited expression are not exhaustively defined in primary legislation.

The practical operation of the provision therefore depends on three interrelated elements: executive prescription of particular phrases, the breadth of the “substantially similar” formulation, and the evaluative threshold of menaced, harassed or offended.

The following subsections examine these elements in greater detail.

5.2 Regulation by Delegated Legislation in Practice

Under the proposed amendment, the content of prohibited expressions is not exhaustively defined within the Criminal Code itself but may be prescribed by regulation. This means that the scope of criminal liability depends, in part, upon executive action rather than direct parliamentary enactment.

Criminalising expression through delegated legislation raises concerns of clarity and stability. Where expressions may be added by regulation, individuals must look beyond the primary legislation to determine the boundaries of lawful speech. In politically sensitive contexts, this may create uncertainty as to whether particular phrases or slogans fall within the scope of prohibition.

The draft does not specify detailed statutory criteria governing the exercise of the prescription power beyond the general purpose of combating hatred and extremism. In the absence of tightly confined legislative standards, the practical operation of the provision relies heavily on the judgment of the executive as to which expressions warrant criminalisation.

Given that the offence attaches to the public use of a prescribed expression where it might reasonably be expected to cause a member of the public to feel menaced, harassed or offended, the regulation-making mechanism assumes central importance. The combination of executive prescription and evaluative harm thresholds heightens the need for precision and restraint.

Where criminal liability arises from regulation rather than primary legislation, careful attention must be given to ensuring that the scope of prohibited expression remains clear, predictable and proportionate.

5.3 The “Menaced, Harassed or Offended” Threshold

The operative threshold in the proposed provision turns on whether the public use of a prescribed expression might reasonably be expected to cause a member of the public to feel “menaced, harassed or offended.” While the protection of vulnerable communities from genuine threats and harassment is a legitimate objective, the inclusion of “offended” as a trigger for criminal liability requires careful examination.

Emotional responses to political speech are inherently variable. What one individual experiences as robust advocacy or forceful protest, another may experience as deeply offensive. A standard that turns on whether a member of the public might reasonably be expected to feel offended risks extending the reach of the criminal law beyond conduct that threatens safety or incites violence.

The criminal law has traditionally drawn a distinction between speech that incites violence or threatens harm and speech that merely causes discomfort or disagreement. Where liability is triggered by an evaluative assessment of anticipated emotional response, rather than by intention or demonstrable harm, the boundaries of prohibited expression may become uncertain.

In politically charged contexts, including public debate concerning international conflicts or domestic policy, strong language and symbolic expression are common features of democratic participation. The existence of offence or disagreement does not, of itself, justify criminal prohibition. The threshold adopted in the proposed provision therefore warrants close scrutiny to ensure that it remains directed toward preventing serious harm rather than regulating the intensity of public debate.

5.4 Political Communication and Foreign State Criticism

The regulation of prescribed expressions must be assessed in light of the role of political communication in a representative democracy. Public debate frequently involves criticism of foreign governments, international actors and state policies. Such criticism, even when strongly expressed, does not in itself constitute hostility toward a protected racial or religious group.

The draft amendments do not clearly distinguish between expressions directed toward a foreign state and expressions directed toward individuals or groups on the basis of race, religion or other protected attributes. In politically sensitive contexts, there is a risk that criticism of a foreign government may be perceived by some members of the public as offensive or threatening to a community associated with that state. However, the perception of offence does not convert political criticism into vilification.

The implied freedom of political communication recognised under the Australian constitutional framework protects the ability of individuals to participate in public debate on matters of political concern. While that freedom is not absolute, any legislative burden imposed upon political communication must be carefully confined and justified.

Where criminal liability may arise from the public use of prescribed expressions that relate to international conflicts or foreign policy, particular care must be taken to ensure that the provision does not operate to suppress legitimate political advocacy.

Legislative clarity is essential to prevent conflation between political speech and unlawful vilification.

The distinction between criticism of state conduct and hostility toward protected communities must therefore be expressly preserved in both drafting and application. Failure to maintain that distinction risks chilling lawful participation in democratic debate.

5.5 Existing Legal Protections and Necessity

The Criminal Code 1899 already contains provisions addressing serious vilification, threats and incitement to violence. Sections 52A and 52B criminalise conduct that involves threats, intimidation, or the use of force or violence against a person or group on the basis of race, religion, sexual orientation or gender identity. These provisions are directed toward preventing genuine harm and protecting vulnerable communities from violence.

Where expressions are used in a manner that incites violence or threatens safety, existing offences provide a basis for investigation and prosecution. The expansion of the prohibited expressions framework must therefore be assessed against the background of these existing protections.

Under section 13 of the Human Rights Act 2019 (Qld), any limitation on freedom of expression must be demonstrably justified and proportionate. A key component of that analysis is whether less restrictive means are reasonably available to achieve the stated objective. Where the criminal law already addresses incitement to violence and threats against protected groups, the necessity of extending criminal liability to prescribed expressions that may cause offence requires clear justification.

The question is not whether antisemitism or other forms of hatred should be addressed through law. The question is whether the proposed mechanism — regulation-based prescription of expressions combined with an evaluative harm threshold — is necessary in light of existing offences that already target serious harm.

Legislative expansion should be supported by evidence that current provisions are insufficient to address the identified mischief. Absent such evidence, the proportionality of the proposed amendment remains open to question.

5.6 Recommendation: Removal or Substantial Amendment

For the reasons set out above, the proposed insertion of section 52C(1A) should not proceed in its current form.

The combination of regulation-based prescription, the inclusion of expressions that are “substantially similar,” and the adoption of an evaluative emotional threshold expands criminal liability beyond direct incitement to violence or unlawful discrimination. In politically sensitive contexts, this framework risks capturing lawful political communication and protest activity.

Accordingly, MVM recommends that the Bill not insert section 52C(1A) into the Criminal Code.

If Parliament considers further reform necessary, any amendment should be confined to clearly defined harm-based criteria expressed in primary legislation and limited to conduct that incites violence or involves genuine threats. The drafting should ensure that criticism of foreign governments, participation in peaceful protest, and the use of contested political slogans are not inadvertently captured.

This approach would better align the legislation with existing Criminal Code provisions and with the requirements of the Human Rights Act 2019 (Qld).

6. Enforcement Powers and Practical Operation

6.1 Overview of the Proposed Expansion of Police Powers

The Bill proposes amendments to sections 52C and 52D of the Criminal Code 1899 that expand police powers to search without a warrant in circumstances connected to suspected prohibited expression offences. These amendments extend the circumstances in which a police officer may stop, detain and search a person where there is a reasonable suspicion that an offence relating to prohibited symbols or expressions has been committed.

The effect of the amendment is to align the new expression-based offences with existing warrantless search powers that apply to certain serious offences. As a result, where a police officer reasonably suspects that a person has publicly used a prescribed expression in circumstances captured by the provision, the officer may exercise search powers without first obtaining judicial authorisation.

The expansion of these powers is framed in the Statement of Compatibility as necessary to enable timely intervention and effective enforcement. However, the practical operation of the amendment is that investigative authority may be triggered by suspicion connected to expressive conduct.

The implications of this expansion must be assessed in light of the nature of the underlying offences and the role of expression in democratic participation. The following subsections examine proportionality, practical burden, and impact in greater detail.

6.2 Warrantless Search and Proportionality

Warrantless search powers are ordinarily reserved for urgent and serious circumstances where delay would frustrate the prevention of significant harm. The extension of such powers to offences based on prescribed expressions requires careful justification.

The Statement of Compatibility asserts that the expansion of search powers is necessary to ensure timely enforcement and operational efficiency. However, convenience or expediency is not, of itself, sufficient justification for limiting fundamental rights. Under section 13 of the Human Rights Act 2019 (Qld), any limitation on rights must be demonstrably justified and proportionate to a legitimate objective.

Where the underlying conduct involves expressive activity that may reasonably be expected to cause a member of the public to feel “menaced, harassed or offended,” the proportionality of warrantless search powers must be assessed with particular care.

The seriousness of the enforcement power should be commensurate with the seriousness of the harm being addressed.

The expansion of search authority in connection with expression-based offences represents a significant intrusion into personal liberty and privacy. In the absence of imminent violence or concrete threat, the justification for dispensing with prior judicial oversight becomes more difficult to sustain.

The proportionality assessment must therefore consider whether existing investigative powers are sufficient and whether the extension of warrantless search powers is the least restrictive means of achieving the stated objective.

6.3 From Expression to Investigation: Practical Burden

The burden imposed by the proposed amendments does not arise only at the point of conviction. It arises at the point of investigation. Where expression-based suspicion may trigger stop, detention and search without warrant, individuals engaged in lawful political advocacy may be exposed to police intervention in circumstances that do not involve imminent violence or concrete threat.

The expansion of search powers means that a person who publicly uses a prescribed expression, or an expression considered substantially similar, may be subject to investigative intrusion based on a reasonable suspicion that the expression might reasonably be expected to cause a member of the public to feel menaced, harassed or offended. The threshold for intervention is therefore connected to anticipated emotional response rather than demonstrable harm.

For example, a university student participating in a peaceful campus rally may display a sign containing a slogan later prescribed by regulation, or one considered substantially similar. Even in the absence of incitement to violence or any threat to safety, that student could be stopped and searched on the basis of suspicion connected to expressive conduct. The experience of detention and search, particularly in a public protest setting, is not a minor inconvenience. It is a significant intrusion that may deter future participation.

Safeguards that operate only after investigation or prosecution do not eliminate the practical consequences of exposure to police powers. The possibility of investigative intervention in response to contested political expression may reasonably influence how individuals choose to participate in public debate.

In assessing proportionality, it is necessary to consider not only the text of the offence but the real-world operation of enforcement powers. Where lawful advocacy carries a risk of warrantless search based on evaluative thresholds, the cumulative effect on democratic participation warrants careful reconsideration.

6.4 Impact on Peaceful Assembly and Political Participation

Freedom of expression is closely connected to the rights of peaceful assembly and association. Public demonstrations, rallies, campus events and community gatherings frequently involve the use of slogans, banners and symbolic expression. The enforcement powers attached to the proposed prohibited expression offences must therefore be considered in the context of collective political participation.

Where warrantless search powers may be exercised on the basis of suspected use of a prescribed expression, the practical impact is not confined to individual speech. The presence of expanded investigative authority at public gatherings may alter the environment in which protest occurs. Participants may reasonably anticipate the possibility of stop and search based on contested interpretations of symbolic or verbal expression.

The Human Rights Act 2019 (Qld) protects not only freedom of expression but also peaceful assembly. Any limitation on these rights must be demonstrably justified. The proportionality analysis must therefore account for the broader social effect of enforcement mechanisms operating in protest settings.

In politically sensitive environments, including debates concerning international conflicts or domestic policy, community members may gather to express solidarity or opposition. The risk of investigative intervention in the absence of violence or imminent threat may discourage lawful participation and reduce the openness of public discourse.

Legislative measures aimed at combating hatred must be carefully designed to avoid unintended consequences for democratic engagement. Where enforcement powers attach to broadly framed expression offences, the combined effect may extend beyond the prevention of harm to influence the willingness of individuals to assemble and advocate publicly.

6.5 Safeguards and Alternative Mechanisms

The proportionality of expanded warrantless search powers must be assessed in light of existing investigative mechanisms already available to law enforcement. The Criminal Code 1899 and related legislation provide police with powers to investigate threats, incitement to violence and other serious offences. Where genuine risk of harm exists, officers may seek judicial authorisation for search and seizure.

The Statement of Compatibility relies in part on operational efficiency as justification for the extension of warrantless powers. However, the Human Rights Act 2019 (Qld) requires that any limitation on rights be demonstrably justified and that less restrictive means be considered. The availability of existing investigative powers, including those requiring judicial oversight, is relevant to the necessity assessment.

Where the underlying conduct involves expressive activity assessed against an evaluative emotional threshold, careful consideration must be given to whether dispensing with prior judicial scrutiny is warranted. Judicial authorisation serves as an important safeguard in balancing law enforcement objectives with individual rights.

If Parliament considers that new expression-based offences are required, enforcement mechanisms should be calibrated to the seriousness of the harm being addressed. Consideration should therefore be given to removing or narrowing the extension of warrantless search powers in this context or confining their use to circumstances involving credible threats of violence or imminent harm.

7. Compatibility with the Human Rights Act 2019 (Qld)

7.1 Rights Engaged by the Bill

The Bill engages several rights protected under the Human Rights Act 2019 (Qld), including freedom of expression, peaceful assembly, freedom of association, privacy, and liberty. The proposed amendments regulating prohibited symbols and expressions directly affect the manner in which individuals communicate ideas in public settings. The attachment of criminal liability to prescribed expressions engages the right to hold opinions and to seek, receive and impart information and ideas of all kinds.

The extension of warrantless search powers engages rights to privacy and liberty. Stop, detention and search without prior judicial authorisation constitute intrusions into personal autonomy and bodily integrity. Where such powers may be exercised in connection with expressive conduct, the intersection between enforcement authority and protected freedoms becomes particularly significant.

Public demonstrations, rallies, campus gatherings and community events frequently involve the use of slogans and symbolic expression. The regulation of such expression therefore also engages the right to peaceful assembly and participation in public life. The Human Rights Act requires that any limitation on these rights be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The compatibility assessment must therefore consider the cumulative effect of the amendments on the exercise of these interconnected rights.

7.2 Proper Purpose

The stated objective of the Bill is to combat antisemitism, prevent the promotion of hatred, and enhance community safety. The protection of vulnerable communities from violence, intimidation and genuine threats is a legitimate and important public purpose. Laws that address incitement to violence, threats against protected groups, and access to dangerous weapons serve a clear public interest.

The Human Rights Act 2019 (Qld) recognises that rights may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Measures directed toward preventing serious harm, including racially or religiously motivated violence, are capable of constituting a proper purpose within that framework.

The question for compatibility analysis is therefore not whether the objective of combating hatred is legitimate, but whether the mechanisms adopted in the Bill are necessary and proportionate to that objective. The legitimacy of the purpose does not, of itself, resolve the proportionality inquiry.

7.3 Rational Connection

In assessing compatibility under section 13 of the Human Rights Act 2019 (Qld), it is necessary to consider whether the measures adopted in the Bill are rationally connected to the objective of combating hatred and protecting community safety.

Provisions that criminalise threats, intimidation and incitement to violence against protected groups are logically connected to the prevention of harm. Existing sections 52A and 52B of the Criminal Code 1899 are directed toward such conduct and reflect a clear relationship between the prohibited behaviour and the harm sought to be prevented.

The proposed amendments relating to prohibited expressions and expanded search powers must similarly be assessed for logical connection. Where the offence turns on whether an expression might reasonably be expected to cause a member of the public to feel “menaced, harassed or offended,” the connection between the regulated conduct and the prevention of serious harm becomes less direct.

While there may be circumstances in which symbolic or verbal expression contributes to a hostile environment, the criminal law traditionally focuses on conduct that incites violence or involves genuine threats. The broader the threshold adopted, the more attenuated the connection may become between the expression regulated and the harm identified.

The question at this stage is therefore whether the chosen mechanisms are appropriately tailored to the objective of preventing violence and serious intimidation, or whether they extend to expression that, while controversial or offensive, does not pose a tangible risk of harm.

7.4 Necessity and Less Restrictive Means

The Human Rights Act 2019 (Qld) requires that any limitation on protected rights be no more restrictive than reasonably necessary to achieve the stated objective. This requires consideration of whether less restrictive means are reasonably available to prevent the harm identified.

The Criminal Code 1899 already criminalises threats, intimidation and incitement to violence against protected groups. Sections 52A and 52B address conduct involving the use of force, threats of force, and serious vilification. Where expressions are used in a manner that incites violence or threatens safety, these existing provisions provide a basis for investigation and prosecution.

In addition, existing investigative powers allow police to respond to credible threats and serious offences, including through judicially authorised search warrants where appropriate. The availability of these mechanisms is relevant to the necessity assessment.

The proposed expansion of criminal liability to prescribed expressions that may reasonably be expected to cause a member of the public to feel “menaced, harassed or offended” extends beyond direct incitement to violence. Where the threshold is framed in terms of anticipated emotional response rather than demonstrable harm, it becomes necessary to explain why existing harm-based offences are insufficient.

Similarly, the extension of warrantless search powers in connection with expression-based offences must be justified by reference to concrete enforcement gaps. Where judicial oversight mechanisms are already available, dispensing with prior authorisation should be supported by clear evidence that less intrusive means are inadequate.

In the absence of demonstrated insufficiency in existing criminal and investigative frameworks, the necessity of the proposed amendments remains open to question.

7.5 Adequate Balance and Proportionality

The final step in the proportionality analysis requires consideration of whether the importance of the objective outweighs the extent of the limitation imposed on protected rights. This involves assessing the seriousness of the harm sought to be prevented against the breadth of the restriction adopted.

Combating antisemitism and preventing racially or religiously motivated violence are objectives of significant importance. However, the mechanism adopted must be proportionate to that harm. Where criminal liability attaches to prescribed expressions assessed against an evaluative emotional threshold, and where enforcement powers permit warrantless search based on suspicion connected to such expression, the cumulative burden on freedom of expression, peaceful assembly and privacy is substantial.

The impact is not limited to those who engage in threatening or violent conduct. Lawful political advocacy, protest participation and symbolic expression may fall within the practical scope of the provision. Safeguards that operate only after investigation or prosecution do not eliminate the chilling effect associated with potential exposure to criminal process.

In politically sensitive environments, particularly in relation to international conflicts or contested public policy, robust speech is a common and expected feature of democratic engagement. The risk that strongly expressed but non-violent political views may attract investigative intrusion weighs heavily in the balancing exercise.

The proportionality assessment must therefore consider the cumulative operation of regulation-based prescription, evaluative harm thresholds and expanded enforcement powers. When viewed together, these mechanisms extend the reach of the criminal law into areas of political expression that have traditionally been protected, subject to harm-based limits.

In light of existing criminal provisions that address incitement and threats, and in the absence of clear evidence that those provisions are inadequate, the balance struck by the proposed amendments does not appear to be sufficiently tailored to the prevention of serious harm.

7.6 Conclusion on Compatibility

The Human Rights Act 2019 (Qld) requires that limitations on protected rights be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. While the objective of combating antisemitism and protecting communities from violence is legitimate and important, the compatibility of the proposed amendments must be assessed against the structure and practical operation of the measures adopted.

The expansion of criminal liability to prescribed expressions assessed against an evaluative emotional threshold, combined with regulation-based prescription and extended warrantless search powers, engages freedom of expression, peaceful assembly, privacy and liberty. The cumulative impact of these mechanisms extends beyond the prevention of incitement to violence and into the domain of lawful political communication.

In light of existing Criminal Code provisions that address threats and incitement, and in the absence of demonstrated insufficiency in those provisions, the necessity of the proposed amendments has not been clearly established. Nor has it been demonstrated that the enforcement architecture adopted is the least restrictive means reasonably available to achieve the stated objective.

For these reasons, the compatibility of the proposed amendments with the Human Rights Act remains open to serious question. Careful reconsideration and redrafting are warranted to ensure that measures aimed at combating hatred do not unduly burden democratic participation.

8. Firearms Provisions and Legislative Bundling

8.1 Support for Strengthening Firearms Controls

In principle, we support strengthening controls on access to firearms and weapons. Measures designed to prevent access to weapons by individuals who pose a genuine risk to public safety serve an important and legitimate purpose.

Firearms regulation should be applied consistently and without discrimination based on cultural background, religious affiliation or mental health status. Public safety is enhanced when regulatory frameworks are evidence-based, proportionate and directed toward preventing demonstrable harm.

We provide no further comment on the substance of the firearms amendments in this submission. Our primary concerns relate to the expression-based provisions and associated enforcement mechanisms addressed in earlier sections.

8.2 Legislative Bundling and Process Concerns

The Bill combines amendments relating to firearms regulation with amendments expanding criminal liability for prescribed expressions and associated enforcement powers. These subject matters are distinct in nature and engage different policy considerations and rights implications.

Firearms regulation concerns access to dangerous weapons and the prevention of physical harm. The expression-based amendments regulate public speech and symbolic conduct and engage fundamental democratic freedoms. Each warrant's careful and focused parliamentary scrutiny.

Combining measures of this kind within a single Bill may have the practical effect of limiting detailed consideration of contested provisions. Where one component of a Bill is likely to attract broad support and another raises significant rights concerns, the bundling of measures may constrain the depth of debate and public engagement.

Process integrity is particularly important where amendments engage rights protected under the Human Rights Act 2019 (Qld). Legislative clarity and transparency are strengthened when distinct reforms are considered on their own merits.

8.3 Separation for Proper Consideration

Given the distinct subject matter addressed in the Bill, consideration should be given to separating the firearms amendments from the proposed expression-based reforms.

Measures strengthening firearms regulation are capable of attracting broad support where they are clearly directed toward preventing demonstrable harm and enhancing public safety. Introducing such reforms in a standalone Bill would allow focused debate and avoid conflating consensus measures with provisions that raise complex human rights questions.

Separating the reforms would also ensure that amendments engaging freedom of expression, peaceful assembly, privacy and liberty receive the level of scrutiny warranted by their constitutional and human rights implications. This approach would enhance legislative transparency and public confidence in the reform process.

We therefore recommend that the firearms amendments be progressed independently of the expression-based provisions to allow each to be assessed on its own merits.

9. Recommendations

9.1 Do Not Proceed with the Bill in Its Current Form

MVM recommends that the Bill not proceed in its current form.

The integrated structure of the Bill combines firearms reform with expression-based criminal amendments and expanded enforcement powers. As drafted, the cumulative effect of these measures engages multiple protected rights and raises substantial questions of proportionality and legislative design. Further refinement is required to ensure alignment with the Human Rights Act 2019 (Qld) and established principles of criminal law restraint.

9.2 Remove Proposed Section 52C(1A)

MVM recommends that the proposed insertion of section 52C(1A) into the Criminal Code not proceed.

The regulation-based prescription of expressions, the inclusion of “substantially similar” language, and the reliance on an evaluative emotional threshold extend criminal liability beyond direct incitement to violence or unlawful discrimination. Existing Criminal Code provisions already address threats and incitement. The proposed expansion risks capturing lawful political communication and protest activity.

9.3 Confine Criminal Liability to Demonstrable Harm

If reform proceeds, MVM recommends that any offence relating to expression be confined to clearly defined harm-based criteria expressed in primary legislation.

The inclusion of “offended” as a triggering threshold introduces subjectivity into criminal liability. Criminal sanctions should attach to conduct involving incitement to violence, genuine threats, or demonstrable harm, rather than anticipated emotional responses.

9.4 Limit Regulation-Based Criminalisation

MVM recommends that criminal offences relating to expression be exhaustively defined in primary legislation, or that strict statutory criteria be imposed on any regulation-making power.

Criminal liability should not depend upon open-ended executive prescription. Greater clarity and parliamentary control are necessary to preserve legal certainty and prevent expansion beyond the intended scope.

9.5 Remove or Narrow Warrantless Search Powers

MVM recommends that the extension of warrantless search powers in connection with expression-based offences be removed or confined to circumstances involving credible threats of violence or imminent harm.

Warrantless search powers represent a significant intrusion into privacy and liberty. Where the underlying conduct involves expressive activity assessed against an evaluative threshold, prior judicial oversight remains an important safeguard.

9.6 Preserve Political Communication and Peaceful Assembly

MVM recommends that the legislation expressly preserve the distinction between criticism of foreign governments and hostility toward protected communities and protect participation in peaceful protest.

Clear drafting safeguards are necessary to ensure that lawful political advocacy, symbolic expression and peaceful assembly are not inadvertently captured by the operation of the offence.

9.7 Separate Firearms Amendments

MVM recommends that the firearms amendments be introduced and considered as standalone legislation.

Strengthening firearms regulation is capable of attracting broad support where directed toward preventing demonstrable harm. Separating those provisions would allow proper scrutiny of the expression-based amendments and enhance legislative transparency.