

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

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Submission By: Medical Association for Prevention of War

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Thank you for the opportunity to make a submission to the Justice, Integrity and Community Safety Committee's review of the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* (the Bill).

MAPW is a national association of health professionals. We work to prevent the harms of war and militarism. This submission is approved by the Executive Subcommittee.

We share the objective of protecting communities from violence and discrimination. However, the Bill's proposed criminalisation of "expressions used to incite discrimination, hostility or violence towards certain groups" presents profound risks to fundamental freedoms without adequate legal precision, justification, or safeguards.

Our submission summarises some issues with this particular provision of the Bill. Any expansion of criminal sanctions demands careful consideration, and we regret that inadequate time has been given for public submissions on such a critical issue.

Existing Protections

- Queensland already has statutory provisions addressing hate speech and vilification, including offences in the *Criminal Code Act 1899* and anti-vilification provisions under the *Anti-Discrimination Act 1991 (Qld)*. These laws make unlawful public acts that incite hatred, serious contempt or ridicule towards persons or groups on the basis of protected characteristics. They also include recognised exceptions for matters in the public interest.
- Section 18C of the Federal *Racial Discrimination Act 1975 (Cth)* also prohibits public acts that offend, insult, humiliate, or intimidate persons on the basis of race.
- The proposed Bill muddies existing provisions by allowing prosecutions where expressions are "used in a way that might reasonably be expected to cause a member of the public to feel 'menaced, harassed or offended'." This is a different and significantly lower threshold for criminal liability. Offensive speech is widely accepted to be protected under the right to freedom of expression. Feeling 'menaced or harassed' is a subjective threshold that would allow conviction even without proof the speaker intended harm, or that harm was realistically likely to occur.
- Under human rights law, the government bears the burden of proving that existing, less restrictive laws are inadequate, and the new measure is *necessary*, not merely preferable. The Minister has not provided evidence that current vilification or incitement provisions are not effective.

Overreach and Misuse

- The Bill's formulation allows the banning of expressions without clear legal standards governing what constitutes such expressions. Ministerial "satisfaction" is not an objective legal threshold, and allows for misuse, such as selective enforcement based on political affiliations or viewpoints, and disproportionate targeting of specific groups.
- Banning particular phrases treats language, rather than conduct, as criminal and does not allow for consideration of context. The Bill overreaches by criminalising expression irrespective of intent, audience, or actual risk of harm.
- The Bill explicitly seeks to deter expression through self-censorship, by placing the onus on defendants to prove reasonable excuse.
- The Bill is incompatible with the implied right of political communication, burdening freedom of communication about government or political matters.
- The Bill is designed to limit and criminalise speech that educates and advocates for the Palestinian people, and implicitly conflates antisemitism with legitimate political expression.

Limiting political expression silences those who witness and or experience harm, undermines advocacy for vulnerable populations, and can have direct negative consequences on the health of individuals and communities. This provision in the proposed Bill is unacceptable, and the Bill should be rejected by the Committee.