

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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EXECUTIVE SUMMARY

1. The Islamic College of Brisbane (“ICB”) unequivocally support the Bill's objective of protecting communities from intimidation, hatred and violence.
2. We welcome the opportunity to provide this submission to the Committee's inquiry into the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* (Qld).
3. ICB serves a large and diverse school community comprising students, families and staff who seek to practise their faith peacefully while contributing positively to Queensland society. Safety, dignity and mutual respect are foundational to that work.
4. However, the efficacy of the criminal law depends not only on its purpose but on its clarity, precision, and capacity to command community confidence. Laws that are uncertain or needlessly broad may unintentionally chill legitimate religious and civic life, undermining the social cohesion they are designed to strengthen.
5. This submission:
 - a. **Supports** the intent of the Bill and the objectives outlined in the Explanatory Notes;
 - b. **Welcomes** the strengthened protections for religious worship and participants;
 - c. **Proposes** targeted refinements to the bill. The basis of these suggestions is to maximise the bill’s efficacy, particularly in relation to prohibited symbols and prescribed expressions.

SUBMISSION STRUCTURE

6. This submission addresses three key areas of the Bill:
 - a. **Part One** of this submission discusses amendments to ss 52C, 52CA and 52D concerning prohibited symbols and prescribed organisations;
 - b. **Part Two** traverses the insertion of new s 52DA (liability for prescribed expressions); and
 - c. **Part Three** considers the strengthened protections for religious worship and participants in sections 206, 206A and 207.

PART ONE – PROHIBITED SYMBOLS AND PRESCRIBED ORGANISATIONS

Statement of Support

7. The Islamic College of Brisbane **supports** legislative intervention where insignia are used to menace, glorify violence or demonstrate allegiance to extremist movements. Communities must be able to gather and move freely in public without fear of intimidation.
8. As the Explanatory Notes state, the Bill seeks to:

send a clear message that Queensland will not tolerate symbols associated with organisations that advocate hatred, serious criminal activity or terrorism

The Expansion of the Regulatory Framework

9. The proposed amendments significantly expand the existing s 52C of the *Criminal Code 1899* (Qld).
10. Previously, s 52C prohibited a fixed list of specified symbol: the Nazi Hakenkreuz. The current Bill moves toward a broader model in which symbols associated with a **prescribed organisation** may attract criminal liability.

The Persistent Difficulty of Symbol Appropriation

11. A recurring challenge in symbol regulation is that extremist movements frequently appropriate imagery that long predates them and retains independent cultural or religious significance. The
12. Numerous instances of this practice are present in recent history. The practice has arisen in the following contexts:
 - a. **The Swastika:** As documented by the United States Holocaust Memorial Museum, the swastika is an ancient symbol used for thousands of years across Hindu, Buddhist, and Jain traditions before its appropriation by the Nazi regime. In many communities, it remains a sacred symbol of auspiciousness and good fortune.
 - b. **The Cross:** The Anti-Defamation League describes how the Ku Klux Klan weaponised the burning cross as a tool of terror and intimidation, despite the cross remaining central to Christian faith and worship.
 - c. **Islamic Script and Symbols:** Islamic State and other extremist groups have deliberately utilised Quranic text and Islamic imagery as branding, creating

profound confusion for Muslim communities whose usage is devotional, not ideological.

13. Without strong attention to **context**, resemblance-based tests risk capturing innocent religious or cultural practice. This may become a particularly acute issue.

“Shahada” – its significance and subsequent appropriation

14. The Shada is the declaration of faith, representing one of the five pillars of Islam.¹ In English, it translates to “There is none worth of worship except Allah (God), and Muhammad is the Messenger of Allah (God)”.
15. The phrase is a short but fundamental summary of the Islamic faith. Its simple declaration in the presence of witnesses is the only requirement for those wishing to the convert to Islam. It is regularly recited by practising Muslims in various contexts.
16. As such, belief in, and to a lesser extent, recitation of the phrase is a fundamental tenant of the Faith. The phrase is benign in its meaning but at the same time a thing of great pride for Muslims.
17. Many members of the ICB community display the stickers of the calligraphed Shahada on their vehicles or workplaces. Some also have it hanging from their rear-view mirrors. It is no different to a Christian displaying a fish, or a bumper sticker to the effect of “Jesus Saves” on their vehicles.
18. The calligraphed Shahada is also what is featured on the flag of Saudi-Arabia.
19. Regrettably, some Terrorist originations have co-opted the Shahada to represent their organisation. Islamic State, currently a declared terrorist organisation by the Commonwealth, is one such example. Their flag is black with white Arabic calligraphy.
20. Whilst no longer a declared Terrorist organisation, the Taliban have adopted the Shahada in black text on a white background as their flag.
21. Assuming that both of these organisations are declared Terrorist organisations, and their flag (the Shahada) are declared terrorist symbols, there is a real risk that members of the community may come under unnecessary scrutiny for displaying the Shahada,² even though it is only for purely religious purposes (as discussed above). It should not be lost on the committee that many of these members, devout in their faith, have come to Australia as means of getting away from these Terrorist organisations.

The Reasonable Excuse Defence is a good start, but should go further

22. The Bill includes a defence where a person displays a prohibited symbol for a “reasonable excuse” including religious, artistic, educational, historical, legal, law enforcement, or public interest purposes. ICB acknowledges this defence, as a good start, but wishes to make further recommendations for the reasons that follow.

¹ The other four are: Zakat (Charity), Sawm (Fasting), Hajj (pilgrimage), and Salat (Prayer).

² Effectively practising their faith.

23. This safeguard is fundamental and is acknowledged in the Explanatory Notes:

The offence provisions. . . provide that it is a defence if the person displays the prohibited symbol with a reasonable excuse.
24. However, as educators and community leaders, we are acutely aware that **defences operate after police contact**. Many individuals, especially young people, families and those from minority communities will avoid any risk of misunderstanding rather than rely on a defence that must be raised later. Fear of police interaction is well documented amongst migrant and non-English speaking groups. In the context of ICB many members of our community have either emigrated or indeed fled from countries where the rule of law and specifically law enforcement. Accordingly, a fear of Police, or at least a proclivity, based on their own prior experiences, to be avoidant of such interaction is not only understandable, but presently commonplace.
25. The presents concern for ICB. **From an educational perspective**, the chilling effect is real. Students and teachers may **avoid displaying or discussing symbols** with legitimate religious or historical significance out of fear of investigation, even where no offence has been committed.
26. Preventing misunderstanding **at the outset** is preferable to relying on defences after enforcement action has commenced. It may be tempting to relegate such concerns as nugatory given the defence has been written into the code, thus “balancing out” the provision and ensuring it can be applied fairly in a court. However, this approach fails to consider the very real and significant stressors, emotional, cultural, and financial of having to go through the criminal justice system to raise such a defence.
27. Even where the matter is only investigated with no charges laid, the impact on members of the community will be profound. This is particularly so if such investigations are repeated, or, through discussions within the community, are known to be commonplace.
28. For members of the community who have limited English, are in a low-socioeconomic bracket, are refugees, or have had poor experiences with police, the likely result will be to unwillingly self-censor speech which would otherwise be entirely lawful out of fear that the legislation in its current form will lead to police investigations.

The Victorian Model: A Precedent for Clarity

29. The ICB maintains that the solution to the above problem may lie in the Victorian legislation. The Victorian model has recognised that peaceful religious symbols have been appropriated by terrorist organisations, and has legislated targeted exemptions to make absolutely clear that the peaceful use of such symbols for religious purposes is
30. Victoria's *Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022* (Vic) is where the precedent is found. It explicitly prohibits the Nazi Hakenkreuz but includes a clear carve-out for religious and cultural use:

It is a defence to a charge... if the accused person proves that their conduct was engaged in reasonably and in good faith... in the practice of a religion, such as Hinduism, Buddhism or Jainism.

31. This model recognises that:
- a. Prohibition works best where it is narrow and evidence-based;
 - b. **Explicit recognition** of independent cultural meaning **reduces uncertainty**;
 - c. Community confidence is **strengthened** when the law clearly **distinguishes between extremist appropriation and legitimate practice**.
32. The Victorian approach has been widely praised for its precision and has not produced the chilling effects feared by some stakeholders.

Application to Queensland's Framework

33. The lesson from Victoria is directly applicable to sections 52C, 52CA and 52D. Where symbols have independent religious or cultural meaning, the law should clearly distinguish between:
- a. Extremist appropriation intended to menace or promote violence; and
 - b. Legitimate religious, cultural or educational use.

RECOMMENDATIONS – PART ONE

34. To maximise the effectiveness and legitimacy of the prohibited symbols framework, the Islamic College of Brisbane respectfully recommends:

Recommendation 1.1: Statutory Clarification of Independent Meaning

35. ICB recommends that the legislation insert a provision clarifying that the independent religious, cultural or historical meaning of a symbol is not, on its own, evidence of support for a prescribed organisation. The proposed wording is:

For the purposes of this section, a symbol that has independent religious, cultural or historical significance is not to be regarded as a prohibited symbol solely because of its resemblance to a symbol used by a prescribed organisation, unless the circumstances indicate an intention to identify with or promote that organisation.

36. Additionally, an example in the Act forms part of the Act.³ The amended could include an example in the following form:

Example—A Muslim who displays the Shahada (profession of faith) for religious purposes does not contravene this section because the Shahada has religious significance independent of its appropriation by such organisations.

³ *Acts Interpretation Act 1954* (Qld) s 14(3).

Recommendation 1.2: Contextual Assessment Framework

37. The ICB recommends direct decision-makers (including police and prosecutors) to consider context before enforcement action, including:
- a. The setting in which the symbol is displayed;
 - b. The purpose for which it is displayed;
 - c. Whether the display is connected to worship, education, cultural celebration or artistic expression;
 - d. Whether there is evidence of intent to menace, intimidate or promote extremism.
38. The ICB understands that the Queensland Police Service undergo regular and comprehensive cultural competency training. The training, assuming it does not already cover the significance of Islamic symbols such as the Shahada, should do now so to ensure that officers are aware of the significance of such a symbol independent of its association with any terrorist organisation.

Recommendation 1.3: Illustrative Examples in Regulations or Guidance

39. Develop and publish illustrative examples covering ordinary religious and educational practice. This may be done as examples in the legislation, or by regulation. Such examples may include:
- a. Display of Quranic calligraphy in mosques, homes and Islamic schools;
 - b. Use of Hindu, Buddhist and Jain symbols in temples and cultural festivals;
 - c. Educational use of historical imagery in schools, universities and museums.

Recommendation 1.4: Community Consultation on Operational Guidance

40. As mentioned briefly above, the ICB recommends that that law enforcement develop operational guidance for police and prosecutors **in consultation with affected communities**, including through consultation with:
- a. Religious leaders and Faith-Based organisations.
 - b. Cultural community representatives.
 - c. Educators and school principals.
 - d. Civil liberties and human rights advocates.

Conclusion on Part One

41. The objective of prohibiting symbols used to menace and intimidate is sound and necessary. However, the expansion from a fixed list to a broader framework based on association with prescribed organisations increases the risk of unintended capture. It risks implementing a chainsaw for a delicate task which requires a scalpel.

42. Greater clarity through statutory language, operational guidance and community consultation will strengthen both the legitimacy and effectiveness of the framework. Any amended to this effect are supported by ICB.
43. The Victorian model demonstrates that narrow, evidence-based prohibition with explicit recognition of legitimate use can achieve protective objectives without producing chilling effects on religious and cultural life.

PART TWO - PROHIBITED EXPRESSIONS – NEW SECTION 52DA

Significance of the Change

44. Section 52DA introduces a new criminal offence for publicly reciting, distributing, publishing or displaying a **prescribed expression** where it might reasonably be expected to cause a person to feel menaced, harassed or offended.
45. This represents a significant extension of criminal law **from symbols into language**.
46. The Explanatory Notes explain the rationale:

The new section 52DA... provides that a person must not publicly use a prescribed expression in a way that might reasonably be expected to menace, harass or cause offence to another person... The offence is intended to capture expressions that are regularly used to incite discrimination, hostility or violence.

47. While the objective is understandable, the practical implications warrant careful consideration.

Existing Laws Already Address Direct Harm

48. Queensland and Commonwealth legislation already prohibit conduct that creates direct risk of harm.

Queensland legislation

49. **Queensland** is already possessed of comprehensive legislation to this effect. For instance, it has at its disposal:
 - a. **Serious vilification** (*Criminal Code Act 1899* (Qld), s 52A): Criminalises inciting hatred, contempt or ridicule involving threats of physical harm (maximum penalty: 3 years imprisonment).
 - b. **Civil vilification remedies** (*Anti-Discrimination Act 1991* (Qld), s 124A): Provides civil remedies for public acts that incite hatred, serious contempt or severe ridicule on protected grounds.

Commonwealth legislation:

50. Likewise, the Commonwealth has in the past implemented the following:
- a. **Support for terrorist organisations** (*Criminal Code Act 1995* (Cth), ss 102.7, 102.8). This prohibits providing support to or associating with terrorist organisations (maximum penalty: 25 years imprisonment);
 - b. **Advocating and threatening violence against groups** (*Criminal Code Act 1995* (Cth), ss 80.2A, 80.2BA): Prohibits urging or threatening force or violence against groups distinguished by race, religion, nationality or political opinion.
51. These provisions are focused on conduct that **creates, threatens or incites actual harm or violence**.
52. Section 52DA differs fundamentally: it applies even where **intent to promote violence may not be** present, and the threshold is subjective ("might reasonably be expected to... offend"). Parliament may wish to consider whether this extension will materially increase protection or create uncertainty.

Likely Impacts in Practice

53. From an educational perspective, we are concerned that the people most likely to modify their behaviour are **not extremists** but students, teachers, families and community members who are cautious about how speech may be interpreted. It is a similar issue to that raised above regarding the Shahada. Phrases a community member might use simply to express their faith or express a political opinion will be avoided for fear of reprisals.

Potential consequences

54. The consequences could manifest in the following ways:
- a. **Self-censorship in classroom discussions** of religion, history, politics and current affairs;
 - b. **Reluctance to engage in interfaith dialogue** where language may be misunderstood;
 - c. **Avoidance of discussing Middle Eastern conflicts, terrorism or religious extremism** for fear of inadvertently using a prescribed expression;
 - d. **Chilling effect on legitimate academic and journalistic inquiry.**
 - e. Institutions may narrow discussion of complex or controversial subjects in order to avoid exposure, even where no offence is intended or committed.

Social Cohesion and Community Trust

55. Trust between communities and authorities is central to effective counter-extremism strategy. If families believe that everyday religious or political language may bring scrutiny, engagement with authorities will lessen.

56. This is a desired outcome. Indeed the Explanatory Notes identify social cohesion as a key objective:

The Bill seeks to... foster social cohesion by sending a clear message that hateful conduct will not be tolerated in Queensland.

57. We support this objective. However, care must be taken that **implementation does not unintentionally weaken the cohesion it is designed to strengthen.**

58. In our experience, over-policing of ambiguous language particularly in Muslim communities has historically led to disengagement, mistrust and reluctance to cooperate with law enforcement.

The Reasonable Excuse Defence

59. As with the prohibited symbols provisions, section 52DA includes a defence for reasonable excuse, including religious, educational and public interest purposes.

60. However, this defence is **reactive**. Many people will choose silence rather than reliance on a legal argument that must be raised after investigation or charge.

61. The Explanatory Notes acknowledge the importance of balancing protection with fundamental rights:

The offence provisions... are balanced by defences that ensure legitimate religious, educational and artistic expression is not captured.

62. In practice, however, the existence of a defence does not eliminate the chilling effect.

Distinction from Symbol Prohibition

63. Unlike the regulation of symbols, which can be visually identified and have been used in specific historical contexts (such as the Nazi Hakenkreuz), the regulation of **language** presents unique challenges:

- a. **Context-dependency:** The same phrase may be threatening in one context and benign in another;
- b. **Linguistic ambiguity:** Words carry multiple meanings across different communities and languages;
- c. **Religious usage:** Many phrases used in extremist rhetoric have sacred or devotional meaning in mainstream religious practice;
- d. **Translation issues:** Phrases may be prescribed in one language but have different connotations when translated.

64. Section 52DA applies to **any expression prescribed by regulation**, with a subjective threshold (“might reasonably be expected to... offend”). This creates significantly broader discretion and greater risk of chilling legitimate free speech.

RECOMMENDATIONS – PART TWO

65. To ensure that section 52DA achieves its protective objective without unintended consequences, the Islamic College of Brisbane respectfully recommends:

Recommendation 2.1: Violence-Linked Threshold

- a. Expressions should be prescribed **only where credible evidence shows their repeated public use is connected to intimidation, threats or incitement to violence**.
 - b. The threshold should not be mere offensiveness, but demonstrated harm or risk of harm.
66. ICB proposes an amendment with the following wording:

An expression may be prescribed by regulation only if the Minister is satisfied, on the basis of credible evidence, that the expression is regularly used in public to incite violence, hatred or serious criminal activity.

Recommendation 2.2: Repetition and Context Requirement

67. Isolated or ambiguous usage should not be sufficient for criminalisation. The offence should require:
- a. Repeated or systematic use; **and**
 - b. Circumstances indicating intent to menace, intimidate or incite.

Recommendation 2.3: Context-First Enforcement Framework

68. Police and prosecutors should be directed to assess **purpose and context** before enforcement action, including:
- a. Whether the expression was used in a religious, educational or journalistic context;
 - b. Whether there is evidence of intent to cause harm;
 - c. Whether the person is a member of or has links to an extremist organisation.

Recommendation 2.4: Statutory Review

69. Given the novelty and breadth of this offence, Parliament should include a statutory review provision requiring assessment of:
- a. The number and nature of charges laid;
 - b. Whether the offence has improved community safety outcomes;

- c. Whether unintended consequences have arisen;
- d. Whether amendments are required.

Proposed review period: 2 years from commencement.

Conclusion on Part Two

- 70. Section 52DA represents the most far-reaching innovation in the Bill. While its objective is legitimate, its breadth and the subjectivity of its threshold create significant risk of chilling legitimate speech.
- 71. Unlike symbol prohibition, which can be narrow, evidence-based and visually identifiable, the regulation of language is inherently more complex and context-dependent.
- 72. **Precision and evidence-based application** will determine whether it enhances protection or produces uncertainty and disengagement.

PART THREE

Protection of Religious Worship and Participants (Sections 206, 206A and 207)

Strong Support for Reform

- 73. The Islamic College of Brisbane **warmly welcomes** the amendments to sections 206, 206A and 207 of the *Criminal Code Act 1899* (Qld).
- 74. These reforms recognise that religious life extends beyond formal services inside buildings and includes ceremonies, pastoral care, counselling and education. The increased penalties properly reflect community expectations and the seriousness of attacks on people practising their faith.

Section 206: Definition of Minister of Religion

Current Provision

- 75. Section 206 currently applies to conduct that "*prevents or obstructs a minister of religion from celebrating divine service or performing the minister's function.*"
- 76. The Bill modernises the language and expands the scope of protection. ICB supports this modernisation.

Recommendation for Clarity

- 77. To assist police, prosecutors and communities, we recommend inserting a **statutory definition** of "minister of religion. The proposed definition would read:

Minister of religion means a person authorised, appointed, ordained or recognised by a religious body or faith community to conduct worship, ceremonies, rites, or pastoral, spiritual or educational functions in connection with that faith community.

78. This definition would provide clarity and inclusivity across diverse faith traditions, including Christian, Muslim, Jewish, Hindu, Buddhist and other communities.

Section 206A: Protection at Entrances and Exits

79. Section 206A introduces a new offence for obstructing, intimidating or harassing a person entering or leaving a place of worship, or a minister of religion entering or leaving any place for the purpose of performing their functions.

Strong Support

80. This provision is **extremely welcome**. Many incidents of harassment and intimidation occur as people arrive at or depart from places of worship. This is a particularly vulnerable time for families with young children, elderly worshippers and individuals attending alone.

81. The Explanatory Notes correctly identify this gap:

The new section 206A... addresses a gap in the current law by protecting persons entering or leaving places of worship or religious ceremonies.

Recommendation: Extension to Faith-Based Schools

82. We respectfully recommend that Parliament consider whether similar protections should apply to persons **attending Faith-Based educational institutions**.

Rationale for the requested extension:

83. The rationale is as follows:
- a. Students attending Islamic schools, Jewish schools, Christian schools and other Faith-Based institutions are often identifiable by uniform, hijab or other religious dress;
 - b. Our students regularly experience racial abuse, verbal harassment and intimidation while entering or leaving school grounds. Females in particular have been subjected to
 - c. Faith-Based schools are often targeted precisely because they are visible manifestations of religious identity;
 - d. Students are minors and are particularly vulnerable to intimidation.
84. The policy rationale for protecting people entering places of worship—vulnerability, visibility and the chilling effect of harassment—applies equally to students attending Faith-Based schools.

Proposed extension

85. Section 206A should be amended to include protections for persons entering or leaving:
- a. a place of worship;
 - b. a place where a religious ceremony is being conducted;
 - c. **an accredited non state school conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or faith.**

Section 207: Disturbing Religious Worship

Current Provision and Amendments

86. Section 207 currently prohibits "wilfully and without lawful justification or excuse" disturbing worship or assaulting a minister of religion.
87. The Bill:
- a. Simplifies and modernises the language;
 - b. Removes assault from section 207 (assault is addressed separately under more serious provisions);
 - c. Increases penalties from 2 years to 7 years imprisonment.

ICB's Strong Support for the Provision

88. We strongly support:
- a. The simplification and modernisation of language;
 - b. The removal of assault to more serious provisions;
 - c. The substantial increase in penalties, which reflects the seriousness of attacks on religious worship and participants.
89. The increased penalty sends a clear message that Queensland will not tolerate interference with the peaceful practice of faith.

Conclusion on Part Three

90. The reforms to sections 206, 206A and 207 represent a significant strengthening of protections for religious communities. They recognise the vulnerability of worshippers and the importance of safeguarding religious freedom.
91. With the minor clarifications and extensions recommended above, the framework will be even stronger and more inclusive.

FINAL REMARKS

92. The Islamic College of Brisbane commends the Queensland Government and the Committee for taking swift action in response to the tragic events of 14 December 2025.
93. We share the community's determination to combat hatred, extremism and violence. We also share the commitment to protecting religious freedom, social cohesion and the rule of law.

Laws that are firm, clear and carefully targeted will best achieve these goals.

94. We stand ready to work collaboratively with government, Queensland Police Service and the wider community to:
 - a. Combat extremism and hatred;
 - b. Build understanding and unity;
 - c. Ensure that legislative reforms are implemented effectively and fairly.
95. We thank the Committee for the opportunity to contribute to this important inquiry and remain available to provide further information or clarification as required.

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