

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

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ARCHDIOCESE OF BRISBANE

**Response to 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**

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EXECUTIVE SUMMARY

The Archdiocese of Brisbane welcomes the opportunity to contribute to the Committee's inquiry into the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026*.

The Archdiocese stands in strong solidarity with the Jewish community and all faith communities experiencing antisemitism and religiously motivated violence. The alarming rise in antisemitic incidents following October 2023 demands robust legal responses. The Bill's objective of protecting vulnerable communities from hatred, intimidation and violence is both legitimate and morally necessary.

The Archdiocese strongly supports the provisions in Part 2 that strengthen protections for religious worship and religious leaders. The amendments modernising offences relating to assaults on ministers of religion, creating new offences for intimidation or obstruction near places of worship, and establishing aggravated penalties for damaging religious premises address real and urgent threats. These provisions are proportionate, clearly targeted, and should proceed without amendment.

However, the Archdiocese holds serious concerns regarding the structure and operation of the proposed prohibited expressions regime established by new section 52DA. These concerns do not reflect opposition to the Bill's objectives but arise from the legal architecture being created to achieve them.

Four principal concerns are identified:

First, wide ministerial discretion. The Bill empowers the executive to prescribe expressions as criminally prohibited through regulation, rather than requiring primary legislation for each addition. Given that speech is a core civil liberty, the criminalisation of expression represents one of the most serious forms of state intervention. Where expressions may be prescribed by regulation, safeguards must be especially robust. The Bill provides insufficient statutory criteria governing when expressions may be prescribed.

Second, a very low threshold for criminal liability. Once prescribed, criminal liability arises where conduct "might reasonably be expected to cause a member of the public to feel menaced, harassed or offended." The inclusion of "offended" alongside concepts associated with intimidation and fear represents a significant lowering of the criminal threshold. Offence is inherently subjective. Members of the public hold divergent views on contentious issues, and criminal liability should not turn on the sensitivities of the most easily offended observer. Combined with wide ministerial discretion, this creates a framework where speech may be criminalised on an attenuated basis.



Third, inadequate safeguards. Whilst the Bill includes a reasonable excuse defence covering religious, educational and public interest purposes, the defence is significantly weakened by requiring that conduct be "reasonable in the circumstances." This invites judicial or prosecutorial assessment of whether particular religious teaching or political advocacy is reasonable. The defence also places an evidential burden on the accused, requiring defendants to prove the reasonableness of their conduct rather than requiring the prosecution to prove all elements of criminal liability.

Fourth, implications for religious freedom. Religious freedom encompasses public manifestation of belief through teaching, preaching and advocacy. Religious speech often addresses contested moral questions and may involve positions that are controversial. A framework allowing executive prescription of expressions combined with a low threshold risks chilling legitimate religious discourse. The reasonable excuse defence does not eliminate this risk, as uncertainty itself can deter lawful speech.

The consultation process has been inadequate. Stakeholders were provided three business days to respond to legislation that creates new criminal offences, expands executive regulation-making powers over speech, and directly affects religious freedom and expression. The Explanatory Statement itself acknowledges that the Bill "may represent a potential departure from fundamental legislative principles." Where such departures are acknowledged, comprehensive consultation is essential to responsible lawmaking.

The Archdiocese makes eleven recommendations addressing process concerns, protective provisions, and the prohibited expressions regime. Key recommendations include raising the criminal threshold to require incitement to violence or hatred rather than mere offence, tightening statutory criteria for prescription, requiring affirmative parliamentary approval for prescribed expressions, strengthening the reasonable excuse defence, and mandating independent review within three years.

With careful amendments, the Bill can achieve its protective objectives whilst maintaining appropriate respect for fundamental freedoms. Criminal law is most effective when precise, predictable and directed at genuine harm. The Archdiocese urges the Committee to strengthen protective provisions whilst ensuring that safeguards against overreach are robust and enduring.



INTRODUCTION

1. The Archdiocese of Brisbane welcomes the opportunity to contribute 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 (The Bill).
2. This submission is guided by the Church's foundational conviction that every human person is created in the image and likeness of God and therefore possesses inherent and equal dignity. On this basis, antisemitism, racism and all forms of hatred directed toward individuals or communities are grave moral wrongs. The Catholic Church unequivocally rejects any speech or conducts that incites violence or intimidation and affirms the responsibility of the state to protect individuals and communities from such harms. Catholic social teaching emphasises both the protection of the vulnerable and the promotion of the common good and recognises the important role of law in strengthening social cohesion, mutual respect and peaceful coexistence within a diverse society.
3. At the same time, Catholic teaching holds that the coercive power of the criminal law must be exercised with restraint. Criminal law is most effective when it is precise, predictable and directed toward genuinely serious wrongdoing. Laws that are overly broad, imprecise or dependent on subjective interpretation risk undermining social trust and impeding lawful activity, including lawful religious teaching, pastoral care and respectful participation in democratic debate. Legislative responses to hate should therefore be carefully calibrated, clearly defined and resistant to misuse over time, particularly in ways that could extend beyond their original purpose
4. The Bill responds to two distinct but related policy concerns:



5. First, the alarming rise in antisemitic incidents in Australia and globally, particularly following the events of October 2023 and subsequent conflicts in the Middle East. Jewish communities have reported significant increases in harassment, vandalism of synagogues and Jewish institutions, threatening behaviour, and public displays of symbols and expressions associated with terrorist organisations and historical persecution. These developments culminated in the December terrorist attack at Bondi, which was a direct act of violence targeting members of the Jewish community, and which profoundly shocked the nation. The Bondi attack demonstrated in the most tragic terms that antisemitic extremism is not an abstract or distant threat, but a present and lethal reality. It is within this context that the Bill has been introduced. Legislative responses aimed at protecting Jewish Australians and other faith communities from intimidation, hatred and violence are therefore both legitimate and necessary.
6. Second, ongoing concerns regarding access to illegal firearms, weapons trafficking, and the use of weapons in serious criminal activity, including organised crime and acts of violence targeting religious and other communities.
7. Consistent with this perspective, this submission invites the Committee to assess the Bill through four key questions:
 - First, what unintended consequences may arise from the legislation?
 - Second, whether the legislation has been properly tested through sufficient consultation and comprehensive legal analysis proportionate to its breadth and consequences?
 - Third, whether the legislation is likely to be expanded over time via regulation, and if so, whether the Bill contains adequate safeguards to prevent overreach or politicisation, and
 - Fourth, where should parliament draw the line between protection and personal freedom?



ABOUT THE ARCHDIOCESE OF BRISBANE

8. The Archdiocese of Brisbane is the face of the Catholic Church in Southeast Queensland, covering an extensive region of 77,000 square kilometres from Hervey Bay in the north, through Kingaroy and Gatton in the west, down to the New South Wales border. Comprising 94 Parishes, 146 schools, and 190 centres providing services across Catholic Early EdCare and Centacare's aged care, disability, and family and relationship service centres, our services collectively contribute \$3.5 billion annually to local economies.
9. Through our social services arm, Centacare, we provide care and offer vital services across various critical areas including aged care, early childhood education, family and domestic violence intervention, mental health support, hospital and prison ministry, post-prison release assistance, homelessness accommodation, and housing support, among many other essential community services. Centacare's extensive experience places the Archdiocese at the forefront of identifying and addressing social challenges, such as elder abuse, ensuring vulnerable groups receive the comprehensive support they need.
10. Brisbane Catholic Education (BCE), another key component of the Archdiocese, delivers Catholic education to approximately 76,000 students from Prep to Year 12, fostering values of compassion, solidarity, and justice in younger generations. Catholic Early EdCare, the early childhood education provider of the Archdiocese, serves over 31,000 children across 133 services, providing a foundation of care and respect from the earliest stages of life.
11. Collectively, these services underscore the Archdiocese's integral role in the fabric of community life in Southeast Queensland. The Archdiocese's holistic approach ensures not only immediate support and care for individuals across the lifespan but also promotes broader social cohesion and community resilience. By addressing complex social issues like elder abuse, the Archdiocese reaffirms its commitment to fostering communities characterised by dignity, compassion, and mutual respect, thereby contributing positively to societal wellbeing and collective prosperity.



CONTEXT, BACKGROUND AND LACK OF CONSULTATION

12. The Bill has been introduced in a climate of heightened public concern about antisemitism, extremist violence and community safety. It follows the Bondi terrorist attack, which profoundly shocked the nation and renewed attention on the vulnerability of public gatherings and places of worship. It also follows recent Commonwealth legislative action addressing antisemitism and hate speech, including the Federal Government's Combatting Antisemitism, Hate and Extremism Bill 2026, which was brought before the Federal Parliament with similarly limited consultation and accelerated timeframes.
13. Whilst the subject matter of this Bill spans distinct policy areas, namely antisemitism and extremist expression on the one hand, and firearm regulation and serious violence prevention on the other, these areas are united by common objectives. Those objectives include protecting vulnerable communities from violence and intimidation, and ensuring that Queensland's legal framework provides appropriate deterrence and enforcement mechanisms. The Archdiocese recognises and supports these objectives. Faith communities have a direct interest in measures that reduce the risk of targeted violence, harassment and extremist conduct.
14. However, the Bill introduces significant changes to the criminal law. It creates new offences, expands existing offences, increases maximum penalties, broadens executive regulation-making powers in relation to speech, modifies police search powers and directly regulates conduct in and around places of worship. It also establishes a new category of criminally prohibited "expressions" capable of being prescribed by regulation.



15. The explanatory statement itself recognises the gravity of these reforms. It states:

*“The amendments to the Criminal Code increasing maximum penalties for prohibited symbols, expanding the prohibited symbols framework to cover prescribed organisations, introducing a prohibited expressions offence and the changes to and new religious worship offences **represent a potential departure from the fundamental legislative principle that legislation has sufficient regard to the rights and liberties of individuals.**”*

16. That acknowledgment is significant. It confirms that the Bill engages core civil liberties, including freedom of expression and religious freedom. Where legislation may represent a departure from fundamental legislative principles, careful scrutiny and meaningful consultation are essential components of responsible lawmaking.

17. Against that background, the consultation process has been extremely limited. Stakeholders were provided three business days to respond. For legislation that directly affects criminal liability, speech, religion and executive discretion, such a timeframe is inadequate to allow proper legal analysis, internal consultation and considered engagement.

18. This is particularly concerning given that the Bill contains provisions directed specifically at religious worship, religious leaders and conduct in the vicinity of places of worship, as well as a new offence regulating public expression that may intersect with religious teaching and public advocacy.

19. The Archdiocese is particularly concerned about the timeline in light of the recent federal precedent. The Federal Combatting Antisemitism, Hate and Extremism Bill 2026 was introduced with similarly limited consultation and compressed timeframes. The Federal Labor Government faced justified criticism from the Coalition Opposition regarding the rushed process. It is disappointing to observe a Liberal National Government in Queensland replicating the same procedural shortcomings.



20. The comparison is especially apt because a federal hate speech provision was ultimately withdrawn after it was widely regarded as constituting significant overreach and attracted opposition across the political spectrum. That experience demonstrates the risks inherent in accelerating complex expression-based legislation without adequate consultation and scrutiny.
21. Robust consultation is particularly important where legislation regulates speech and religion. These are sensitive domains that require careful balancing between community safety and fundamental freedoms. The opportunity to test drafting, identify unintended consequences and refine safeguards is essential to ensuring that protective objectives are achieved without overreach.
22. The Archdiocese does not question the seriousness of antisemitism or extremist violence. Nor does it dispute the need for strong legal responses where conduct incites discrimination, hostility or violence. However, where the Government itself acknowledges potential departures from fundamental legislative principles, a more comprehensive and structured consultation process would strengthen both the legislation and public confidence in its operation.



AMENDMENTS TO THE CRIMINAL CODE

23. Part 2 of the Bill proposes significant amendments to the Criminal Code. These amendments operate across four principal areas: strengthened protections for religious worship and religious leaders, expansion of the prohibited symbols framework, creation of a new prohibited expressions offence, and expansion of preparatory violence offences.
24. These reforms are not minor technical adjustments. They alter the scope of criminal liability, expand executive regulation making powers in relation to speech, increase maximum penalties, and introduce new offences that directly regulate conduct in public spaces and in connection with religious life. As such, they engage fundamental principles of criminal law, including legality, proportionality, clarity, and sufficient regard to the rights and liberties of individuals.
25. The Archdiocese supports without reservation the provisions that strengthen protections for religious worship and religious leaders. It supports in principle the objective of targeting extremist symbolism and genuine incitement to hatred or violence. However, the Archdiocese holds serious concerns regarding the structure and operation of the proposed prohibited expressions regime, particularly in light of the wide ministerial discretion to proscribe expressions, the low threshold for criminal liability, the inadequacy of the reasonable excuse safeguard, and the implications for religious freedom.
26. Criminal law must be clear, predictable and proportionate. It must target genuine harm. It must not extend so broadly that it risks inhibiting lawful religious expression or robust public discourse. The Archdiocese does not question the sincerity or urgency of the Government's objectives. However, where the Government itself acknowledges that the Bill may represent a departure from fundamental legislative principles, the framework must be carefully scrutinised and, where necessary, refined. The recommendations that follow are directed to that end.



27. Given time constraints and the Archdiocese's particular expertise, this submission focuses primarily on the Criminal Code amendments affecting religious communities and religious expression. The Archdiocese notes but does not address in detail the extensive amendments to the Weapons Act 1990 contained in Part 7 of the Bill, beyond observing that penalty increases and mandatory minimum sentences warrant careful scrutiny for proportionality and consistency with rehabilitation objectives.

Protections for Religious Worship and Religious Leaders

28. The amendments strengthening offences relating to assaults on ministers of religion, intimidation or obstruction near places of worship, disturbing religious worship, and aggravated wilful damage to religious premises are strongly supported.

29. Places of worship are not merely buildings. They are sacred spaces, gathering points for community, and locations of spiritual, social and pastoral significance. They are also, in contemporary circumstances, vulnerable to targeted hostility and intimidation. Faith communities across Australia have experienced harassment, graffiti, threats, and organised protest activity directed at congregations and clergy. In some cases, such conduct has escalated into violence.

30. The Bill appropriately recognises this vulnerability. The modernisation of offences relating to assaults on ministers of religion clarifies the protection afforded to clergy while performing religious functions. The introduction of a specific offence addressing intimidation or obstruction of persons entering or leaving places of worship responds to real world conduct that can undermine the ability of individuals to exercise their faith freely. The increased penalties for disturbing religious worship and the creation of aggravated wilful damage provisions for religious premises recognise the heightened social harm that occurs when sacred spaces are targeted.



31. These reforms are proportionate and justified. They are directed at conduct that is inherently wrongful, namely violence, intimidation and disruption of lawful religious assembly. They are tightly connected to the protection of public safety and the preservation of religious freedom in practice. They do not regulate expression in the abstract. They regulate conduct that interferes with the peaceful exercise of religion.
32. For these reasons, the Archdiocese supports these amendments without reservation. The remaining sections address provisions that raise more significant concerns.

Prohibited Symbols and Prescribed Organisations

33. The expansion of the prohibited symbols framework to include symbols used by prescribed organisations, aligned with Commonwealth terrorism definitions, is supported in principle.
34. Criminal law has a legitimate role in addressing the knowing public display of terrorist symbols in circumstances that menace, harass or intimidate members of the public. Where symbols are clearly associated with organisations engaged in terrorism or extremist violence, and where they are deployed in a manner calculated to intimidate or threaten, it is appropriate that the law respond.
35. The alignment with Commonwealth terrorism definitions provides coherence and reduces arbitrariness. It anchors the concept of a prescribed organisation to established federal standards rather than creating an entirely novel and potentially subjective state based classification. This reduces the risk of politicisation and enhances legal certainty.
36. Nevertheless, the Archdiocese encourages transparency and clarity in the prescription process. Even where aligned with Commonwealth definitions, the act of prescribing organisations carries symbolic and practical consequences. Clear criteria and public justification support confidence in the fairness and integrity of the framework.
37. Subject to those considerations, the Archdiocese supports the objective and structure of the prohibited symbols amendments.



Prohibited Expressions Offence

38. The proposed insertion of section 52DA, creating a new offence for the public recital, distribution, publication or display of prohibited expressions, raises serious concerns.
39. The Archdiocese supports action against explicit incitement to violence and discrimination. It does not support a framework that risks capturing general or ambiguous slogans that may be used in different contexts and are not inherently incitements to violence.
40. The concerns are fourfold.

Wide Ministerial discretion to proscribe expressions by regulation

41. The definition of a prohibited expression is driven by what is prescribed by regulation, following a ministerial recommendation. In practical terms, this means that the executive branch may expand the category of criminally prohibited speech without returning to Parliament for primary law amendment each time.
42. This structure concentrates substantial discretion in the executive. The power to declare an expression criminally prohibited is not exercised through full parliamentary debate and amendment of the Criminal Code itself, but through subordinate legislation. While regulations are subject to parliamentary scrutiny processes, they do not attract the same level of deliberation, amendment opportunity or public debate as primary legislation.
43. speech is a core civil liberty. The criminalisation of speech is among the most serious forms of state intervention. Where the executive is empowered to define new categories of criminal speech by regulation, the safeguards must be especially robust.
44. The risk inherent in this structure is not hypothetical. Expressions, slogans and phrases often arise in highly contested political and social contexts. The meaning of an expression may shift over time. It may be used in different ways by different actors. A slogan that is used by some to intimidate may be used by others to express a political aspiration or moral conviction. The executive's power to prescribe expressions must therefore be tightly circumscribed.



45. In the absence of detailed statutory criteria governing when an expression may be prescribed, the discretion is broad. The explanatory material indicates that expressions may be prescribed if regularly used to incite discrimination, hostility or violence toward a relevant group. However, the determination of what constitutes regular use and what amounts to incitement is itself evaluative and potentially contested.
46. The more expansive the discretion to prescribe, the greater the need for parliamentary control, clear statutory thresholds, and mandatory consultation.

Criminality set at a very low threshold

47. The structure of the offence amplifies the concern regarding ministerial discretion. Once an expression is declared prohibited, criminal liability arises where a person publicly recites, distributes, publishes or displays that expression in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended. This is a low threshold for criminalisation.
48. First, the offence is not confined to conduct intended to menace, harass, incite violence or discriminate. There is no express requirement of intent to cause harm. Criminal liability may arise even where the speaker's purpose is unrelated to intimidation, provided that it might reasonably be expected that a member of the public might feel menaced, harassed or offended.
49. Secondly, the test is framed by reference to the reasonable expectation that a member of the public might feel a certain way. It is not a strict reasonable person test requiring that a reasonable member of the public would feel threatened. It is sufficient that it might reasonably be expected that some member of the public might feel offended.
50. Offence is inherently subjective. Members of the public may hold strongly divergent views on contentious social and political issues. Some may be easily offended by expressions that others regard as ordinary political speech. Criminal liability should not turn on the sensitivities of the most easily offended observer.



51. Thirdly, the inclusion of “offended” alongside “menaced” and “harassed” further lowers the threshold. Menace and harassment are concepts associated with intimidation and fear. Offence is broader. The criminal law has traditionally drawn a distinction between conduct that causes fear and conduct that merely causes offence. The expansion of criminal liability to speech that may reasonably be expected to cause offence represents a significant step.
52. When this low threshold is combined with wide ministerial discretion to prescribe expressions, the result is a framework in which categories of speech may be criminalised and enforced on a relatively attenuated basis of potential offence.
53. The Archdiocese considers that criminal law should be directed at serious harm. Where speech crosses the line into genuine incitement to violence, discrimination or hostility, it is appropriate that it be addressed. Where speech is merely offensive to some members of the public, criminalisation is a far more serious step and should be approached with caution.

“Reasonable excuse” is not an adequate safeguard

54. The Bill includes a reasonable excuse defence, with examples such as genuine educational, historical, legal, religious or public interest purposes. On its face, this appears to provide protection for legitimate speech.
55. However, the safeguard is significantly weakened by the requirement that the person’s conduct be reasonable for that purpose in the circumstances.
56. This introduces an additional evaluative layer. It is not enough that the speech be for a religious or educational purpose. The conduct must also be considered reasonable in the circumstances. This invites judicial or prosecutorial assessment of whether particular religious speech is reasonable.



57. Religious teaching often addresses contested moral questions. It may involve the articulation of doctrinal positions that are unpopular or controversial. Determining whether such articulation is reasonable in the circumstances risks importing subjective judgments into the analysis.
58. Furthermore, the defence places an evidential burden on the defendant. The accused must raise evidence of a reasonable excuse. In practical terms, this means that individuals engaging in religious or public interest speech may be required to defend themselves against criminal charges by proving the reasonableness of their conduct.
59. This reverses the usual expectation that the prosecution proves all elements of criminal liability beyond reasonable doubt and underscores the seriousness of the potential chilling effect.
60. The Archdiocese does not suggest that prosecutors will act improperly. However, the existence of an offence that can be triggered at a low threshold, combined with a defence that must be established by the defendant, creates uncertainty. That uncertainty may deter lawful speech.

Implications for religious freedom

61. The implications for religious freedom contained within this Bill are significant. Religious freedom encompasses not only private belief, but the public manifestation of that belief through worship, teaching, preaching and advocacy. Religious speech frequently intersects with social and political issues. It may include strong moral language or critique of prevailing norms.
62. A framework that allows the executive to prescribe expressions by regulation, and that criminalises public recital of those expressions at a low threshold of potential offence, risks chilling legitimate religious discourse.
63. The reasonable excuse defence does not eliminate that risk. The requirement that conduct be reasonable in the circumstances may lead religious leaders and institutions to self-censor in order to avoid potential prosecution. The mere existence of uncertainty can have a chilling effect.



64. The Archdiocese supports measures that target explicit incitement to violence, discrimination and hatred. It does not support a regime that may capture general or ambiguous slogans that are capable of different interpretations and uses, particularly where those slogans are deployed in religious or political debate.



Preparatory Violence Offences

65. The Bill introduces a new section 540A, creating an offence for acts done in preparation for, or planning, an offence likely to cause death or grievous bodily harm. The maximum penalty of 14 years imprisonment is significant. The stated objective is preventative: to enable earlier intervention where serious violence is being organised before harm occurs.
66. The Archdiocese recognises the legitimacy of that objective. In an environment where places of worship and other public gatherings have been targeted by extremist violence, preventative tools may be necessary to protect life and community safety. Faith communities are not immune from such risks, and the capacity of law enforcement to disrupt credible threats at an early stage is important.
67. However, section 540A is drafted in broad terms. The phrase “*any act in preparation for, or planning*” an offence is potentially expansive. Preparatory conduct can range from highly specific steps toward imminent violence to far more remote or ambiguous activity. The provision does not clearly articulate the required mental element beyond the planning or preparation itself, nor does it define the degree of proximity required between the preparatory act and the contemplated harm.
68. Criminal liability for preparatory conduct must be carefully confined. The further liability moves from completed harm, the greater the need for precision and clarity. The Committee should ensure that section 540A is tightly targeted at genuinely dangerous conduct and that its scope is sufficiently clear to avoid uncertainty or unintended expansion of criminal liability.



RECOMMENDATIONS

To address the concerns outlined in this submission whilst supporting the Bill's objectives, the Archdiocese makes the following recommendations:

PROCESS AND CONSULTATION

Recommendation 1: Extended Consultation Period

The Committee should recommend an extended consultation period to enable comprehensive legal analysis and stakeholder engagement proportionate to the breadth and consequences of the Bill.

Recommendation 2: Targeted Consultation

The Committee should ensure consultation with religious communities, educational institutions, civil liberties organisations, and the legal profession before finalising the legislation.

Recommendation 3: Consultation on future legislation

The committee should recommend that in the future the government undertake meaningful and comprehensive engagement with stakeholders prior to introducing legislation to the parliament especially when the proposed legislation has broad and significant implications on the community.

PROTECTIONS FOR RELIGIOUS WORSHIP

Recommendation 4: Proceed with Protective Provisions

The Archdiocese strongly supports proceeding with the amendments to sections 206, 206A, 207, 398 and 469 relating to protections for religious worship, ministers of religion, and places of worship.

PROTECTIONS FOR RELIGIOUS WORSHIP

Recommendation 4: Proceed with Protective Provisions

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PROHIBITED EXPRESSIONS REGIME

Recommendation 5: Raise the Threshold for Criminal Liability

Replace "offended" in section 52DA with a requirement that the expression "incites violence, hatred or serious contempt." This focuses the offence on genuinely harmful expression whilst protecting speech that is merely offensive to some.

Recommendation 6: Tighten Criteria for Prescription by Regulation

Include detailed statutory criteria governing when an expression may be prescribed, requiring evidence that the expression is:

- a) predominantly used to incite violence, hatred or serious contempt;
- b) not capable of legitimate use in good faith political or religious discourse; and
- c) presents a demonstrable risk to community safety or cohesion in Queensland.

Recommendation 7: Require Parliamentary Approval for Prescribed Expressions

Regulations prescribing expressions should be subject to affirmative resolution (requiring positive parliamentary approval) rather than being disallowable instruments. This provides appropriate democratic control over expansion of criminal liability.

PROTECTIONS FOR RELIGIOUS WORSHIP

Recommendation 9: Sunset Review

Include a mandatory review of the prohibited expressions regime within three years of commencement, assessing:

- a) Effectiveness in achieving stated objectives
- b) Unintended consequences or chilling effects
- c) Disparate impacts on particular communities
- d) Whether the framework remains appropriately targeted

Recommendation 8: Strengthen the Reasonable Excuse Defence

The amended reasonable excuse defence should:

- a) reverse the evidential burden, requiring prosecution to disprove reasonable excuse once raised;
- b) explicitly protect good faith religious teaching, educational instruction, and political advocacy;
- c) remove the requirement that conduct be assessed as 'reasonable in the circumstances' as a separate evaluative step where the conduct is genuinely engaged in for religious, educational or public interest purposes

PROHIBITED SYMBOLS

Recommendation 10: Transparent Prescription Process

Regulations prescribing organisations should include:

- Clear statement of reasons
- Evidence of Queensland-specific concerns
- Public consultation before finalisation, with the opportunity for affected communities to make representations



IMPLEMENTATION

Recommendation 11: Guidance Materials

The Committee should recommend the Department should publish comprehensive guidance on:

- What constitutes reasonable excuse
- How educators, clergy, and journalists can comply
- Practical examples of lawful versus unlawful conduct

Recommendation 12: Training and Resources

The Committee should recommend that the government commit to providing adequate training for police and prosecutors on:

- Distinguishing genuine threats from legitimate discourse
- Cultural competency



CONCLUSION

The Catholic Archdiocese of Brisbane stands in unwavering solidarity with the Jewish community and all faith communities experiencing antisemitism, persecution and violence. These are profound evils that demand robust legal responses. The Bill's objective of strengthening protection for vulnerable communities is not only legitimate but morally necessary.

The Archdiocese strongly supports those provisions that protect religious worship, religious leaders, and places of worship from violence and intimidation. These amendments address real and urgent threats and should proceed.

However, the concerns raised in this submission regarding the prohibited expressions regime are substantial. Wide ministerial discretion to criminalise speech by regulation, combined with a low threshold for criminal liability and inadequate safeguards, creates a framework that may extend beyond its intended purpose and inhibit legitimate religious expression and democratic participation.

These concerns do not reflect opposition to the Bill's objectives. They reflect a conviction that effective legislation must be precise, predictable and resistant to expansion beyond its original purpose. Criminal law is most effective when it targets serious wrongdoing with clarity and restraint.

The Archdiocese urges the Committee to:

- Strengthen the Bill's protective provisions
- Raise the threshold and tighten safeguards for the prohibited expressions offence
- Require tighter statutory criteria and affirmative parliamentary approval for prescription of expressions
- Provide for mandatory independent review



With these amendments, the Bill can achieve its protective objectives whilst maintaining appropriate respect for fundamental freedoms and the principles that undergird a free and democratic society.

The Archdiocese thanks the Committee for considering this submission and remains available to provide further information or participate in consultations as the Committee sees fit.



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