

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

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Submission to Justice, Integrity and Community Safety Committee

**Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists
and Criminals Amendment Bill 2026 (Qld)**

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About Amnesty International

Amnesty International is a global movement of more than 10 million people who take injustice personally. We are campaigning for a world where human rights are enjoyed by all.

We investigate and expose the facts, whenever and wherever abuses happen. We lobby governments as well as other powerful groups such as companies, making sure they keep their promises and respect international law. By telling the powerful stories of the people we work with, we mobilise millions of supporters around the world to campaign for change and to stand in the defence of activists on the frontline. We support people to claim their rights through education and training.

Our work protects and empowers people – from abolishing the death penalty to advancing sexual and reproductive rights, and from combating discrimination to defending refugees' and migrants' rights.

We help to bring torturers to justice, change oppressive laws, and free people who have been jailed just for voicing their opinion. We speak out for anyone and everyone whose freedom or dignity are under threat.

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1. Summary

- 1.1. Amnesty International Australia (AIA) welcomes the opportunity to make a submission to the Queensland government on the **Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026**.
- 1.2. The recommendations contained in this submission go towards ensuring considerations of human rights protections are at the forefront when considering this Bill's amendments to the law. We raise issues of concern with the new provisions, and the government's obligations under its *Human Rights Act 2019*, as well as under international human rights conventions.
- 1.3. Amnesty is concerned about the banning of phrases that have deeply contested meanings in different communities in Australia, are in specific language, and have historical and cultural significance. Banning such phrases unacceptably infringes on freedom of expression, assembly, and association, and will have discriminatory impacts on some communities.
- 1.4. Amnesty holds further concerns about the higher maximum penalties proposed in the Bill and calls for the government to ensure the criminal law meets the principle of proportionality, so that penalties are in line with the seriousness of the offending and other equivalent offences.
- 1.5. Amnesty notes the Bill's object of deterring criminal behaviour and community safety, however, notes the limited deterrent effect of harsher criminal laws, especially imprisonment. We note the government's intention to address community concerns related to the antisemitic attack on Jewish community celebrations at Bondi, NSW in December 2025, however we question if extremely harsh penalties would in fact be effective at addressing the risk of such an attack. Non-criminal whole-of-society approaches are likely to be more effective at addressing hate and racism.
- 1.6. Amnesty is deeply concerned and has raised issues previously with Queensland's Adult Time Adult Crime provisions. These provisions will disproportionately impact on First Nations young people, who are already shockingly overrepresented in Queensland's youth justice system and detained at an unacceptably high rate in police watchhouses and youth detention centres. The scheme breaches international obligations Queensland's government has under the *Convention on the Rights of a Child*. Children should not be treated as adults.
- 1.7. The Bill proposes to prescribe additional offences under the *Youth Justice Act 1992* as part of this scheme "arising from the seriousness of the new offences introduced or maximum penalties imposed".¹ Amnesty is deeply concerned about impact of this on children's rights.

2. Recommendations

AIA recommends that the Queensland Government reconsider amendments in the Bill that unacceptably infringe on the human rights to freedom of expression. We recommend that

- 1) The proposed offence of prohibited expressions not be passed
- 2) The Queensland Government consider other methods to approach societal attitudes towards race

¹ Queensland Parliament, Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026, Objectives of the Bill, at <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=275&id=8564>

- 3) The Queensland Government address racism comprehensively and effectively by adopting the recommendations in the National Anti-Racism Framework.
- 4) The provisions in the current Bill regarding additional offences under the Youth Justice Act should not be passed, and the 'Adult Crime, Adult Time framework should be repealed entirely.
- 5) The principles of detention as a last resort and the preferability of non-custodial orders and other CRC principles should be reinstated in the *Youth Justice Act 1992*.
- 6) The Queensland Government should invest in existing and new services and programs by Aboriginal and Torres Strait Islander community-controlled organisations and other community-based organisations, that address needs and focus on prevention of young people's offending behaviour and early intervention and diversion from the criminal justice system.

3. International Legal Human Rights Framework

- 3.1. The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) requires State parties to States Parties condemn racial discrimination, and prohibit and bring to an end by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organisation.²
- 3.2. The ICERD requires State parties to make an offence punishable by law ‘all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin’.³
- 3.3. The *International Covenant on Civil and Political Rights* (ICCPR) engages rights such as the right to hold opinions, freedom of peaceful assembly, association and freedom of expression; the right to liberty and security of the person; and freedom from arbitrary detention.
- 3.4. Article 19(2) of the ICCPR provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”⁴ Article 19(3) provides this right may be restricted, but only as provided by law and necessary for respect of the rights or reputations of others⁵; or for the protection of national security or of public order, public health or morals.⁶
- 3.5. Article 20(2) of the ICCPR requires States Parties to prohibit any ‘advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’.
- 3.6. The *International Convention on the Rights of the Child* (CRC) requires that the best interests of the child be a primary consideration⁷; provides the right to be treated as a child in the criminal justice system⁸; protects children from arbitrary detention, torture or cruel, inhuman or degrading treatment or punishment. It provides that arrest, detention or imprisonment of a child shall conform with the law, be used only as a measure of last resort and for the shortest period of time.⁹ It also requires States to use diversionary options where appropriate.¹⁰
- 3.7. The ICCPR also provides for every child, without discrimination, to have the right to measures of protection by their family, society and the State as required by their status as a child.¹¹
- 3.8. These international laws form the basis of AIA’s analysis of the impact on human rights of this Bill, and our recommendations to the Queensland Government in this submission.

² Article 2(1), at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

³ Article 4(a) at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

⁴ At <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁵ Art 19(3)(a)

⁶ Art 19(3)(b)

⁷ Art 3, at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁸ Art 40

⁹ Art 37

¹⁰ Art 40(3)(b)

¹¹ Art 24(1)

4. Banning prohibited expressions

- 4.1. Amnesty International Australia opposes any disproportionate restrictions to the rights to freedom of expression and assembly. This includes bans on expressions that have historically been used in the exercise of the right to peaceful protest. Such blanket bans are not compatible with human rights. These rights are protected under international law and are essential mechanisms through which individuals and communities demand justice, and accountability. In accordance with human rights principles, any restriction on the fundamental rights to freedom of expression must meet the requirements of legality, necessity and proportionality, and legitimacy¹². They must also be applied without discrimination.
- 4.2. Measures targeting specific slogans deeply embedded in peaceful pro-Palestinian justice, anti-genocide, anti-apartheid, and anti-occupation movements are neither reasonable nor proportionate. Such measures would unjustifiably burden political communication, and undermine the fundamental right to freedom of political communication.
- 4.3. The Bill proposes to create a new offence prohibiting the public distribution, publication, display or recitation of prohibited expressions to cause menace, harassment or offence. The offence will have a maximum penalty of 2 years imprisonment.¹³ The Attorney General has confirmed that pro-Palestinian justice phrases "*globalise the intifada*" and "*from the river to the sea*" would be prohibited expressions.¹⁴ It is unclear what other proscribed phrases would be.
- 4.4. The Explanatory Notes set out that the process for banning an expression is consistent with the prohibited symbol framework, and involves the Minister being satisfied that the expression is "regularly used" to incite discrimination, hostility or violence towards a relevant group.¹⁵ The Notes say this acknowledges "the complex histories and dual meanings of certain words and phrases, which may not always be used exclusively or in isolation to incite hate or violence." The process also requires the Minister to consult with the chairperson of the Crime and Corruption Commission, Human Rights Commissioner and the Police Commissioner.
- 4.5. Article 19 of the ICCPR provides that the right to freedom of expression may be restricted, but only as provided by law, and as necessary for respect of the rights or reputations of others¹⁶; or for the protection of national security or of public order, public health or morals.¹⁷
- 4.6. ICCPR Art 20(2) articulates that states should prohibit "advocacy of national, racial or religious hatred that constitutes incitement or discrimination, hostility, or violence." Amnesty International Australia is concerned about the operation of the prohibited expressions process in this Bill, firstly because it apparently allows for expressions to be banned that are not always used to incite hate or violence. This means expressions may be banned that do not have this effect or intent behind them.
- 4.7. The UN Office of the High Commissioner for Human Rights developed the Rabat Plan under the auspices of the United Nations to guide the assessment of expression alleged to constitute

¹² UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 9 October 2019: A/74/486, Promotion and protection of the right to freedom of opinion and expression, at <https://www.ohchr.org/en/documents/thematic-reports/a74486-report-online-hate-speech>

¹³ Ibid

¹⁴ Deb Frecklington cited in The Guardian, 8 February 2026; see also [Qld Gov](#), 8 February 2026

¹⁵ Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 Explanatory Notes, page 3, at <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2026-003>

¹⁶ Art 19(3)(a)

¹⁷ Art 19(3)(b)

incitement under ICCPR Art 20. The Rabat Plan provides that in assessing ‘hate speech’ all of the circumstances of the speech must be considered, including social and political context; status of the speaker; the presence of intent; content, form and style of the speech; the extent of dissemination of the speech; and likelihood of harm including imminence – making a finding of a ‘reasonable probability that the speech would succeed in inciting actual action against the target group’, in determining a whether an expression crosses the threshold into prohibited conduct under ICCPR Article 20.¹⁸

4.8. The Plan rejects approaches that treat words or phrases as inherently dangerous, emphasising instead that meaning and risk must be assessed holistically.¹⁹ The European Court of Human Rights has repeatedly affirmed that freedom of expression protects not only ideas that are favourably received, but also those that “offend, shock or disturb.”²⁰ In its interpretation of Article 19 of the ICCPR, the UN Human Rights Committee has emphasised that freedom of expression protects not only ideas that are favourably received, but also those that may be deeply offensive, shocking, or disturbing, particularly where such expression concerns matters of public or political interest.²¹

Necessity

4.9. Secondly, Amnesty is concerned that the proposed offence is not necessary, since an existing criminal offence of vilification is already contained in the Queensland Criminal Code. Human rights laws permits governments to legislate as necessary to prohibit incitement to discrimination, hostility or violence, even where it infringes on people’s right to freedom of expression. The ICCPR sets out permissible limits on the right in Article 20(2), providing that: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Incitement to discrimination, hostility and violence on the grounds of race is also prohibited under article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination.

4.10. We note that the Queensland Government has already done this – section 52A of the *Criminal Code 1899* sets out an offence of serious racial, religious, sexuality, sex characteristics or gender identity vilification. It provides:

52A Offence of serious racial, religious, sexuality, sex characteristics or gender identity vilification

(1) A person must not, by a public act, knowingly or recklessly incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality, sex characteristics or gender identity of the person or members of the group in a way that includes—
(a) threatening physical harm towards, or towards any property of, the person or group of persons; or
(b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

Penalty—

Maximum penalty—3 years imprisonment.

¹⁸ UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report, A/74/486, A/74/486: Report on online hate speech, p 7-8, at <https://docs.un.org/en/A/74/486>

¹⁹ Australian Federation of Islamic Councils, 10 January 2026, A Submission in Response to the NSW Parliamentary Inquiry into Proposed Measures Relating to Chants and Political Expression, p 8, at <https://www.parliament.nsw.gov.au/ladocs/submissions/93929/Submission%202022%20-%20Australian%20Federation%20of%20Islamic%20Councils.pdf>

²⁰ AFIC submission p 8

²¹ Ibid p 10

(2) In this section—

“public act” —

(a) includes—

(i) any form of communication to the public, including by speaking, writing, printing, displaying notices, broadcasting, telecasting, screening or playing of tapes or other recorded material, or by electronic means; and

(ii) any conduct that is observable by the public, including actions, gestures and the wearing or display of clothing, signs, flags, emblems or insignia; but

(b) does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter.

4.11. Any public statement that knowingly or recklessly incites hatred towards, or serious contempt or ridicule towards, a person or group on the grounds of race is made unlawful by this section, with a penalty of 3 years imprisonment. Amnesty submits that this existing criminal offence provides adequate protection for members of the community against the kind of race-based hate speech that the Bill proposes to address.

4.12. Vilification is also unlawful under the *Anti-Discrimination Act 1991* (Qld) s 124A, which provides: “(1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality, sex characteristics or gender identity of the person or members of the group.” A person subjected to alleged vilification in contravention of this section may make a complaint to the Human Rights Commissioner, which if accepted may be investigated, conciliated and finalised, or referred to the Tribunal.²² If a complaint is proven the Tribunal can make orders, including that the respondent pay compensation for loss or damage, do certain things to redress loss or damage, or make a public apology or retraction.²³ The provisions in this Bill relating to ‘hate speech’ are therefore not necessary as adequate protection already exists.

Proportionality

4.13. Further, while the threshold of the Minister’s satisfaction in order to prohibit an expression uses language broadly consistent with international human rights law and the benchmark set in ICCPR Art 20(2) for the limitation of freedom of expression, the actual offence proposed by the Bill is a much lower standard and threshold and does not accord with that limitation, referring to expressions that cause menace, harassment or offence.

4.14. This proposed offence therefore inappropriately limits the human right to freedom of expression, protected in Queensland’s *Human Rights Act 2019* section 21. In addition to the state act, the government is bound to protect people’s right to freedom of expression under the ICCPR Article 19. This human right to freedom of expression may only be infringed upon or restricted in some circumstances – as necessary and provided by law.

4.15. The proposed offence in this Bill would ban expressions used publicly to cause “menace, harassment or offence”. These, in particular “offence”, exceed the permissible limit set in the ICCPR and lowers the standard. Where the ICCPR allows states to infringe on freedom of expression to protect from incitement to discrimination or violence, this section infringes on that human right to prevent expressions that might reasonably cause a member of the public to “feel menaced, harassed or offended”. Ascertaining whether a member of the public might

²² *Anti-Discrimination Act 1991* Chapter 7, Part 1 and 2

²³ *Anti-Discrimination Act 1991* section 209

feel “offended” requires a subjective test that is not appropriate for a criminal penalty.

4.16. The offence refers to a reasonableness standard, but it only requires that an expression “might reasonably” be expected to cause “a member of the public” to feel this way. The way in which a specific member of the public might feel on hearing certain expressions is a subjective not an objective test, and inappropriate for such a criminal penalty.

4.17. Hate speech laws necessarily need to strike a balance between freedom of expression and protection of various communities from harm. It is acknowledged that offence is a type of harm – and people are protected and may make a complaint under the *Racial Discrimination Act 1975* (Cth) and the *Anti-Discrimination Act 1991* (Qld) about conduct reasonably likely to “offend, insult, humiliate or intimidate”, with exceptions to protect freedom of expression. However, if governments legislate to criminalise speech that might be considered offensive with no exceptions for legitimate expression, Amnesty International Australia is concerned free speech and the right to protest - for example, to speak out against a foreign government actively committing genocide - will be seriously and unjustifiably restricted. Criminal laws should be reserved for the most serious hate speech conduct – incitement to violence and discrimination, proportionate to its impact and harm.

Reversal of burden of proof

4.18. The defence in this new provision proposed by the Bill places the burden of proof on the accused person. In general, the principle is that the burden of proof should not be reversed unless it will be very difficult for the prosecution in proving the offence – and even then it is not usually acceptable, since it may also be difficult for the defendant – or the defence rests on information peculiar to the defendant that the prosecution may not know. These circumstances do not apply here.

4.19. A recent NSW Parliamentary Inquiry recently considered whether to ban the same phrases mentioned by the Attorney General in relation to expressions that might be prohibited by this Bill.²⁴

4.20. With regards to the phrase *Globalise the intifada*, Amnesty International Australia contends that for many Palestinians and supporters of Palestinian justice, human rights and dignity globally, the phrase is used to call for international solidarity, building collective resistance to apartheid and occupation, using political, legal and economic pressure to achieve justice and accountability. Amnesty’s research determines that both the apartheid regime and occupation in the Occupied Palestinian Territory are severely worsening.

4.21. Characterising the phrase as a call for inciting violence ignores its meaning in Arabic, long-running political and historical meaning, unreasonably conflating legitimate political dissent with incitement to violence. Such attempts to criminalise or suppress such pro-Palestinian justice expressions target peaceful protest and dissent.²⁵

4.22. The phrase *From the river to the sea* refers to the land between the Jordan River, which borders eastern Israel, and the Mediterranean Sea to the west.²⁶ Critics argue that it calls for “elimination” of Israel, but supporters – including Palestinian-American writer Yousef Munayyer

²⁴ Parliament of NSW, Inquiries, Legislative Assembly Committee on Law and Safety, ‘Measures to prohibit slogans that incite hatred’, at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3167>

²⁵ Amnesty Submission, par 4.3

²⁶ The Guardian, 8 February 2026

– argue it means Palestinians living “in their homeland as free and equal citizens”.²⁷ The recent NSW Parliamentary Inquiry found that it “understands that the meaning of this phrase *From the river to the sea* is contested and, therefore, does not recommend its proscription.”²⁸

4.23. Ultimately, the NSW Committee concluded that *Globalise the intifada* may be perceived to incite violence against Jewish people on a broader scale²⁹ and recommended the NSW Government consider legislation to proscribe the phrase to clarify that chanting it in public is unlawful. But the Committee received advice on a potential Constitutional challenge to such a ban, and therefore recommended that Government:

- include a *causal element* that specifically links the use of the phrase with a particular *material harm* (such as incitement of hatred, or harassment, intimidation or violence)
- identify or declare the particular harm associated with the phrase within the text of the proposed legislation, and
- ensure that it is reasonably appropriate and adapted to serving the legitimate purpose of protecting the community from harm.³⁰

4.24. The Committee therefore did not recommend banning the phrase outright, but only when it is used to incite hatred, harassment, intimidation or violence.³¹ It did not recommend banning the phrase *From the river to the sea* at all, acknowledging the contested meanings.

4.25. Amnesty International Australia notes that in the Queensland context, the power of the state to take criminal action against an individual for making a public statement that incites hatred including threatening to cause harm to a person or property, on the grounds of race, religion, sexuality, sex characteristics or gender identity, is already provided for in s 52A of the Criminal Code. This law is aligned with Victoria’s new vilification laws, and is appropriately designed to target serious conduct, and not subjective offence, for criminal sanction. In addition individuals impacted by vilification are able to make civil complaints to the Human Rights Commissioner under the vilification provision in Queensland’s Anti-Discrimination Act. Amnesty is of the view that this provides adequate protection against harmful hate speech.

Appropriately aimed at achieving a legitimate purpose

4.26. Laws must not only be reasonable, necessary and proportionate, they must be appropriately aimed at achieving a legitimate purpose. While challenging racist attitudes and improving social cohesion and a sense of safety in the community is a legitimate aim, it is doubtful that criminal legislation can achieve it. Amnesty submits that there is an insufficient connection between banning peaceful political slogans or phrases, and achieving community safety or social cohesion. There is no evidence that a ban on particular expressions would change racist attitudes or community sentiments – but it is clear that prohibiting such phrases will inappropriately limit the right to freedom of expression and right to protest.

4.27. Less restrictive and more effective alternatives exist to address hatred and antisemitism. Blanket bans on phrases and expressions relating to pro-Palestine protest would impose a disproportionate burden on peaceful public advocacy in support of Palestinian human rights,

²⁷ Ibid

²⁸ Committee Report at par 1.29

²⁹ Committee Report, Finding 1, page 3

³⁰ Recommendation 4, Committee Report.

³¹ The Guardian, 22 January 2026, Inquiry calls for ban on ‘globalise the intifada’ in NSW – but only when used to incite hatred and violence, <https://www.theguardian.com/australia-news/2026/jan/29/ban-globalise-intifada-nsw-only-when-inciting-violence-ntwnfb>

and would not address the root causes of antisemitism, or allow people to live free from violence, discrimination, and vilification.

New stop and search powers for police

4.28. The Bill also provides additional powers to the police to stop and search any person based on a reasonable suspicion of using a prohibited expression. This unreasonably infringes on peoples' right to privacy, bodily integrity and freedom from arbitrary detention. Amnesty is concerned that additional search powers will increase community interactions with police and risks disproportionately impacting marginalised communities, and leading to those communities being disproportionately criminalised.

Conclusion

4.29. Amnesty International Australia strongly urges the Queensland Government not to respond to the Bondi tragedy by unnecessarily and disproportionately suppressing the rights to freedom of expression and assembly. Instead, the Government should adopt a principled, evidence-based approach to combating antisemitism, racism, hatred and violence in all its forms, one that addresses root causes, rather than curtailing fundamental freedoms.

4.30. Amnesty supports actions that will address the root cause of attacks such as occurred at Bondi. We agree with the view that criminal law is not the most effective way to create societal change. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has said that States should generally use tools at their disposal other than criminalization and prohibition – such as education, counter-speech, promotion of pluralism, and so forth – to address hateful speech that does not constitute incitement to discrimination, hostility, or violence.³²

4.31. In the case of racism and discriminatory rhetoric addressed at particular groups, and extremist actions, Amnesty urges Queensland and all states and territories to work with the federal government on its implementation of the Australian Human Rights Commission's National Anti-Racism Framework that provides a roadmap for governments, business and community organisations to address all forms of racism in Australia.³³

4.32. The Australian Human Rights Commission has developed a landmark national plan to end racism, following a comprehensive three-year consultation process involving hundreds of community organisations, service providers, government departments and agencies, subject matter experts and relevant community members. The National Anti-Racism Framework includes 63 recommendations for a whole-of-society approach to eliminating racism, providing a comprehensive roadmap for governments, business and community organisations to address all forms of racism. Amnesty urges the Queensland government and all governments to adopt recommendations made in the report.

4.33. All people have the right to live free from racism, discrimination, vilification and violence, and these rights are best protected through inclusive, rights-respecting policies, rather than unwarranted restrictions on freedom of expression that restrict the peaceful and legitimate

³² United Nations General Assembly, A/74/486, 9 October 2019, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, at <https://www.ohchr.org/en/documents/thematic-reports/a74486-report-online-hate-speech>

³³ At <https://humanrights.gov.au/resource-hub/by-resource-type/reports/race/anti-racism-framework>

expression of views.

Recommendation 1.1: The proposed offence of prohibited expressions not be passed

Recommendation 1.2: The Queensland Government consider other methods to address racism with a focus on preventative programs including supporting community-led education, training, and community dialogue initiatives, and programs aimed at addressing online hate speech, misinformation, and disinformation.

Recommendation 1.2: The Queensland Government address racism comprehensively and effectively by adopting the recommendations in the National Anti-Racism Framework.

5. New offences with terms of imprisonment

- 5.1. The Bill proposes several new offences with heavy maximum imprisonment terms. For example, the proposed offence of **56A Reckless discharge of weapon towards building or vehicle** has a penalty of 20 years imprisonment if it is a prescribed offence (defined in s56A(5) as circumstances where the offender is part of an criminal organisation, or the building or vehicle is in or on a place of religious worship) or otherwise a term of 16 years imprisonment).
- 5.2. The offence does not require that a person's safety was in fact endangered by the discharging of the weapon. It is unclear whether the prescribed offence requires the offender to have any knowledge or suspicion that the building or vehicle is on or in a place of religious worship.
- 5.3. General sentencing principles developed through common law and legislation require:
 - *parsimony* – the sentence must be no more severe than is necessary to meet the purposes of sentencing
 - *proportionality* – the overall punishment must be proportionate to the gravity of the offending behaviour
 - *parity* – similar sentences should be imposed for similar offences committed by offenders in similar circumstances
 - *totality* – where an offender is to serve more than one sentence, the overall sentence must be just and appropriate in light of the overall offending behaviour.³⁴
- 5.4. This offence does not require any person's safety to actually be endangered, yet the penalty is equivalent to criminal offences that involve serious harm to a person, and much higher than some offences that involve intent and actual harm caused to a person. Discharging a firearm at a building or vehicle – whether at a place of religious worship or not – where no person is harmed or safety is endangered, is not of equivalent seriousness as other offences that attract a 16- or 20-year penalty.³⁵

³⁴ Sentencing Advisory Council, Victoria, 'Sentencing Purposes, Principles, Factors', at <https://www.sentencingcouncil.vic.gov.au/about-sentencing/sentencing-purposes-principles-factors>

³⁵ See example penalties for indecent treatment of a child under 12, or involving a child in making exploitation material (20 years), or torture, grievous bodily harm, or serious assaults with aggravation, or female genital mutilation (14 years) - at page 92 of the Queensland Sentencing Guide, Queensland Sentencing Advisory Council (SAC), at https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0004/572161/QLD-Sentencing-Guide.pdf

5.5. Amnesty International Australia therefore submits that the penalty is disproportionate and does not align with like offences. This penalty, as well as other long terms of imprisonment proposed in the Bill for crimes not requiring intent or any harm to a person, are clearly inconsistent with the principle of proportionality and parity in the criminal law.

5.6. Disproportionate penalties can result in arbitrary detention, which is contrary to international human rights law.³⁶ Amnesty does not support the proposed penalties that are not proportionate to the gravity of the offending behaviour, do not have parity with other offences of the same seriousness, and are more severe than necessary.

5.7. The evidence shows that harsher penalties not only do not deter crime, but actually have the opposite effect. Research is increasingly showing that imprisonment itself and punishment more generally is actually criminogenic – making it *more* likely that people will re-offend.³⁷ While the threat of imprisonment may impose a small general deterrent effect, research into specific deterrence shows that imprisonment has, at best, no effect on the recidivism rate, and often results in a greater rate of reoffending.³⁸

5.8. In particular it is known that the severity of a punishment has no real deterrent effect.³⁹ The “research indicates that increases in the severity of penalties, such as increasing the length of terms of imprisonment, do not produce a corresponding increase in deterrence.”⁴⁰ Offenders do not engage in a rational, cost-benefit consideration of whether the punishment outweighs the benefit of committing an offence. The only deterrent effect proven is the likelihood or certainty of apprehension.⁴¹ This means that making penalties heavier for particular types of offending will not prevent the crimes from being committed or make the community safer. In fact a term of imprisonment might increase the risk of reoffending again.

5.9. Amnesty International Australia therefore cautions against approaching the issue of racism and hatred in the community through harsher penalties and lengthy sentences. While Amnesty understands the Queensland Government’s intention in aiming to strengthen laws, the principle when making law that seek to limit human rights is that these laws must not be excessive or arbitrary, but appropriately adapted to achieve a specific and legitimate purpose.

³⁶ Special Rapporteur on Torture Prof Ben Saul, page 4, at <https://www.parliament.nsw.gov.au/ladocs/submissions/94079/Submission%2097%20-%20Professor%20Ben%20Saul.pdf>

³⁷ UNSW, Do harsher punishments deter crime?, at <https://www.unsw.edu.au/newsroom/news/2020/07/do-harsher-punishments-deter-crime>

³⁸ Sentencing Advisory Council (SAC), April 2011, ‘Does Imprisonment Deter? A Review of the Evidence’, page 2, at https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Does_Imprisonment_Deter_A_Review_of_the_Evidence.pdf

³⁹ Ibid

⁴⁰ Queensland Sentencing Guide at https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0004/572161/QLD-Sentencing-Guide.pdf

⁴¹ UNSW and Queensland Sentencing Guide, above

Recommendation 2: Amnesty recommends that no disproportionate penalties be passed, and that Government choose to address racism effectively without recourse to harsher penalties and lengthier sentences.

6. Youth justice offences added to Adult Time, Adult Crime scheme

6.1. Amnesty is deeply concerned with the Bill's proposal to prescribe additional offences under the *Youth Justice Act 1992* (Youth Justice Act), or "Adult Crime, Adult Time" scheme. The offences are:

- 6.1.1. The new **s 56A Reckless discharge of weapon towards building or vehicle**, which carries a term of imprisonment of 20 years – which as already submitted above, is a disproportionate and excessive sentence for an adult, let alone a child.
- 6.1.2. The new **s 67A Possession and distribution of blueprint material for manufacture of firearms**, which carries a term of imprisonment of 10 years. Neither of these offences require any person to have been actually threatened, harmed or safety be put at risk.

6.2. The result of including new penalties in the "Adult Crime, Adult Time" scheme will be a greater number of children, particularly First Nations children, being incarcerated. The scheme's provisions disproportionately impact First Nations young people⁴², who are already overrepresented in Queensland's youth justice system and detained at an unacceptably high rate in police watchhouses and youth detention centres.⁴³ The provisions in this Bill could add to the already unacceptably high number – the highest in Australia – of First Nations children who are incarcerated in Queensland, and will not increase community safety.

6.3. Evidence demonstrates that punitive, carceral responses to youth offending do not reduce rates of recidivism or rehabilitate children to make communities safer.⁴⁴ On the contrary, findings from inquiries into youth offending and expert criminologist reviews shows that

⁴² See UN Working Group on Arbitrary Detention, Preliminary Findings from its visit to Australia (1 to 12 December 2025): "Because of this high proportion [of First Nations children in detention], which reflects the legacy of discrimination suffered by First Nations people as outline above, the harsh approaches currently taken to youth justice in Queensland, WA, NT and other territories impact particularly on First Nations youth". Page 8, at <https://www.ohchr.org/sites/default/files/statements/20251212-eom-stm-australia-wg-arbitrary-detention-en.pdf>

⁴³ Aboriginal and Torres Strait Islander young people are detained in Queensland at a rate of 40.6, while the rate for non-Indigenous children is 1.5. This rate is the second highest in Australia. In Queensland the average number of Aboriginal and Torres Strait Islander young people detained in 2024-25 was 208 – almost twice the number of the next highest state NSW, and almost half of all Indigenous children imprisoned across Australia: Australian Productivity Commission, 29 January 2026, Report on Government Services 2026, Part F, Section 17 (Youth justice services), table 17A.5, at <https://www.pc.gov.au/ongoing/report-on-government-services/community-services/youth-justice/>. In the June quarter of 2025 on an average night the number of children detained in Queensland was 300 – the highest in Australia, and Queensland had the highest rate of detention of Indigenous children: Australian Institute of Health and Welfare, Youth detention population in Australia 2025, at <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2025/contents/state-and-territory-trends> and <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2025/contents/first-nations-young-people#trends>

⁴⁴ The first major longitudinal study showed that imprisonment does not reduce reoffending risk for children: Australian Institute of Criminology, 2009, 'The specific deterrent effect of custodial penalties on juvenile reoffending' at: <https://www.aic.gov.au/sites/default/files/2020-05/tbp033.pdf>. More recently it's well documented that children with prior custodial convictions have an extremely high reoffending rate. And children who first appear in the court system when they are younger (10-12) the more likely to reoffend and to transition to the adult system: <https://www.sentencingcouncil.vic.gov.au/news-media/media-releases/children-who-enter-youth-justice-system-early-are-more-likely-reoffend> and <https://www.sentencingcouncil.vic.gov.au/publications/reoffending-children-and-young-people-victoria>

criminalisation and incarceration of children exacerbate the impacts of trauma and alienation that can increase the risk of re-offending.⁴⁵ Indigenous children in the criminal legal system are more likely to have disability and neurodevelopment impairment, complex trauma, mental health disorders and drug and alcohol use disorders, and the approach of harsh sentencing and bail laws and low age of criminal responsibility amounts to the criminalisation of children's unmet health, disability and trauma needs.⁴⁶

- 6.4. Amnesty notes the incongruity of including this provision on sentences for youth offending in a Bill purporting to address antisemitism and gun violence by 'terrorists and criminals'. The suggestion that laws relating to children should be included in such a Bill, or that children should be labelled with such terms, is harmful and speaks to a disregard for children's rights.
- 6.5. Amnesty's position on Queensland's Adult Time Adult Crime policy⁴⁷ is clear: it puts Queensland in direct violation of international human rights treaties, including the *Convention on the Rights of the Child* (CRC), ratified by Australia in 1990, which provides that children should only ever be incarcerated as an absolute last resort and for the shortest time possible. Adult criminal penalties for children are incompatible with this binding international law.
- 6.6. The scheme breaches Australia's international obligations under the *Convention on the Rights of a Child*. Children are protected from being treated as adults under this treaty. They are also protected from arbitrary punishment and detention, and treatment amounting to cruel inhuman or degrading treatment. Australia is a signatory to this Convention, and all state jurisdictions are obliged to give effect to its provisions, including Queensland's government.
- 6.7. Australia has repeatedly faced international scrutiny for failing to uphold international standards in relation to its sentencing, incarceration and treatment of children, and the

⁴⁵ The Senate Committee's Inquiry into Australia's Youth Justice and Incarceration System examined this issue. Its February 2025 Report cited the Law Council, which summarised that 'the detention and institutionalisation of children in their formative years is a proven key factor in recidivism rates'. It also cited the Western Australian Inspector of Custodial Services who submitted that 'the outcomes and impacts of youth incarceration are well researched, with evidenced influence throughout the developmental lifespan', identifying key outcomes and impacts of youth incarceration—systemic re-traumatisation, labelling and stigma, 'cross-over kids' and "**Increased risk of recidivism. All above identified outcomes and impacts increase both criminogenic and non-criminogenic needs; empirical risk factors directly relevant to an increased likelihood of reoffending (Andrews & Bonta, 2007). Conversely, research consistently finds youth detention has little influence in reducing recidivism and should be used only as a last resort (Clancey, Wang, & Lin, 2020.)**" Chapter 2 - Outcomes and impacts of youth detention 2.58-2.59, at

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Incarceration47

University of Wollongong. 18 November 2022, Locking up kids has serious mental health impacts and contributes to further reoffending, at <https://www.uow.edu.au/media/2022/locking-up-kids-has-serious-mental-health-impacts-and-contributes-to-further-reoffending.php> and Lambie, Ian and Randell, Isabel, 'The impact of incarceration on juvenile offenders', [Clinical Psychology Review Vol 33, Issue 3](https://www.sciencedirect.com/science/article/abs/pii/S027273581300010X?via%3Dihub), April 2013, pp 448-459, at

<https://www.sciencedirect.com/science/article/abs/pii/S027273581300010X?via%3Dihub>.

⁴⁶ Davis, Megan, and McGlade, Hannah, 'International Convention on the Elimination of All Forms of Racial Discrimination – Early Warning and Urgent Action submission', 31 March 2025, at https://www.hrc.org.au/app/uploads/2025/04/United-Nations-CERD-complaint_youth-justice-in-Australia.pdf, p19, par 82. See also Queensland Auditor General report 2023-24, Reducing serious youth crime, "Research indicates that many young offenders experience complex issues within their family, including neglect, domestic and family violence, and drug and alcohol abuse. Many have poor health, including mental health issues and behavioural disorders; many are disengaged from education and employment. Most, if not all, of these issues are relevant to First Nations youth. Some, such as limited access to education, healthcare, and housing, are disproportionately experienced by First Nations families and young people." At <https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime#h2-6>

⁴⁷ Amnesty International Australia, 21 May 2025, 'Queensland government's "Adult Crime, Adult Time" laws a violation of children's rights', <https://www.amnesty.org.au/queensland-governments-adult-crime-adult-time-laws-a-violation-of-childrens-rights/>; Amnesty International Australia, 28 October 2024, 'Adult crime adult time' policy flies in the face of all evidence, <https://www.amnesty.org.au/queensland-lnp-adult-crime-adult-time-policy-flies-in-the-face-of-all-evidence/>

provisions in this Bill would deepen this non-compliance.⁴⁸ Under international human rights law, namely the Convention on the Rights of the Child, children have the right to be safe from torture and other forms of cruel, inhuman or degrading treatment or punishment.

6.8. In response to the last tranche of amendments applying adult penalties to more offences in Queensland, the Change the Record Coalition and the Human Rights Law Centre wrote:

6.8.1. There is no evidence base or legitimate aim for the existing adult penalties framework, let alone its expansion. The Bill is incompatible with human rights and the Government has not established any exceptional circumstances that can justify this incompatibility.

6.8.2. The Queensland Government also admits that the Bill is incompatible with various human rights enshrined in the Human Rights Act 2019. However, the Government has neither tabled a statement of exceptional circumstances to justify the Bill having effect despite this incompatibility, nor provided a proper description of exceptional circumstances, nor provided any evidence of exceptional circumstances.⁴⁹

6.9. The amendments in this Bill also infringe on rights protected in the *Human Rights Act 2019*. The Government is required to table a statement in order to override the Act. There is no statement of exceptional circumstances justifying or legitimising this for this Bill.

6.10. Amnesty's position is Queensland has an obligation to protect children's rights, which includes prioritising their rehabilitation and supporting their development through safe, community-based alternatives to incarceration. We reiterate our calls for the Queensland Government to invest in First Nations community-led and culturally safe services and programs that are trauma-informed; provide education and disability supports and early intervention. What is needed are diversion and justice reinvestment approaches that address the drivers of harm and prevent children's interaction with the criminal legal system in the first place, rather than punishing its symptoms.

6.11. We also call on the Queensland Government to repeal the adult penalties framework entirely, and to reinstate principles in the *Youth Justice Act 1992* that detention must be a last resort and that non-custodial orders are preferred.⁵⁰

⁴⁸ For example, in Preliminary Findings from its December 2025 visit to Australia, the UN Working Group on Arbitrary Detention said that: "In Queensland, a harsh approach under the title 'adult crime, adult time' means that children can now be subjected to a sentence of life imprisonment. The Working Group urges the Government to ensure that no individual under the age of 18 is sentenced as an adult, regardless of the circumstances or the severity of the offence, and for the repeal of mandatory minimum sentences for children." – p 7, at <https://www.ohchr.org/sites/default/files/statements/20251212-eom-stm-australia-wg-arbitrary-detention-en.pdf>. See also, <https://www.amnesty.org.au/un-review-of-australias-human-rights-record-raises-concerns-about-continued-imprisonment-of-children-offshore-detention-of-refugees-and-lack-of-human-rights-protections/>. The use of isolation in Australian youth detention has been called out by the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – see Concluding observations on the sixth periodic report of Australia 5 December 2022 (UN Doc CAT/C/AUS/CO/6) at p 11 (37(d)): "The practice of keeping children in solitary confinement... contravenes the Convention and the Nelson Mandela Rules".

⁴⁹ Change the Record and Human Rights Law Centre, 16 April 2025, 'Submission on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025', at <https://www.hrlc.org.au/app/uploads/2025/05/2504-Submission-to-Adult-Time-laws.pdf>

⁵⁰ see also Change the Record and Human Rights Law Centre, 16 April 2025, 'Submission on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025', at <https://www.hrlc.org.au/app/uploads/2025/05/2504-Submission-to-Adult-Time-laws.pdf>, recommendations 3 and 4

Recommendations:

- 5.1 The provisions in the current Bill regarding additional offences under the Youth Justice Act should not be passed, and the 'Adult Crime, Adult Time framework should be repealed entirely.
- 5.2 The principles of detention as a last resort and the preferability of non-custodial orders and other CRC principles should be reinstated in the *Youth Justice Act 1992*.
- 5.3 The Queensland Government should invest in existing and new services and programs by Aboriginal and Torres Strait Islander community-controlled organisations and other community-based organisations, that address needs and focus on prevention of young people's offending behaviour and early intervention and diversion from the criminal justice system.

7. Conclusion

Amnesty International Australia unequivocally condemns the antisemitic attack on Jewish Australians at Bondi Beach and stands in solidarity with the Jewish community. The attack followed years of escalating racist and violent attacks on the Jewish community and on the Muslim, Arab, and Palestinian communities in Australia.

Amnesty abhors antisemitism, Islamophobia, anti-Palestinian racism and all forms of racism.

Governments have an obligation, under international human rights law, to take action to protect people from violence, vilification, and discrimination.

However, governments cannot disproportionately and unnecessarily restrict the rights to freedom of expression and assembly to achieve this objective. This Bill unfairly restricts these fundamental human rights, and targets expressions associated primarily with peaceful protest in support of the Palestinian people that does not constitute incitement to violence under international law. Serious vilification on the basis of a person's race, religion, sexuality, sex characteristics, or gender identity, is already a criminal offence under Queensland's *Criminal Code 1899*.

Amnesty believes that the Bill is ultimately unsuccessful at addressing vilification, violence, and discrimination, as it fails to address the root causes of hate.

Amnesty also has serious concerns that the Bill adds offences to the "Adult Time, Adult Crime" framework, contrary to obligations to protect the rights of children.

The Queensland Government should use this inquiry as an opportunity to fulfil its obligations under international law and address violence, vilification, and discrimination through rights-respecting, preventative and systematic manner, rather than unnecessarily restricting people's human rights.