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

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SUBMISSION TO THE

JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Queensland Parliament

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

About the Submitter

This submission is made by **Daniela Parra-Faundes** in my personal capacity as a resident and citizen of Queensland. I hold a PhD and came to Australia as a skilled migrant sponsored by the State of Queensland. I chose to become an Australian citizen because I believed in this country's democratic institutions, its commitment to the rule of law, and its protection of the rights that allow people to participate freely in public life.

I was born and raised in Santiago, Chile, during the military dictatorship of General Augusto Pinochet (1973–1990). I did not read about state repression in a textbook. I grew up inside it. I grew up in a country where the Dirección de Inteligencia Nacional (DINA) operated a network of clandestine detention centres where citizens were tortured and disappeared for their political beliefs. I grew up in a country where the folk singer Víctor Jara—a man whose crime was writing songs about hope and dignity—was detained in the Estadio Chile, had his hands and wrists broken, was tortured for days, and was shot 44 times by soldiers who wanted to make an example of what happens when artists speak. I grew up in a country where neighbours learned not to talk, where books were burned, where people vanished, and where the machinery of repression was always dressed in the language of national security and public order.

The Rettig Commission and the Valech Commission later documented at least 3,065 killings and disappearances and more than 38,000 cases of political imprisonment and torture under the Pinochet regime. Operation Condor, a transnational programme of political assassination coordinated between South American dictatorships with the knowledge and support of the United States, extended this repression across borders. These are not distant abstractions. They are the conditions in which my family lived. They are the reason I understand, in a way that is physical and not theoretical, what happens when a state acquires the power to decide which words are permissible and which are criminal.

I say this not to compare Queensland to Pinochet's Chile. I say it because every regime that has silenced its people began with a law that seemed reasonable at the time. The mechanism is always the same: a genuine threat is identified, emergency powers are granted, the scope of those powers expands, and by the time the public understands what has been lost, the architecture of repression is already in place. It is precisely because I have seen this pattern before that I feel compelled—obligated—to make this submission.

I unequivocally condemn antisemitism and all forms of racial and religious hatred. This submission does not seek to minimise the very real fear and distress experienced by Jewish Queenslanders. My opposition to this Bill is not opposition to protecting communities from hate. It is opposition to the specific legislative mechanisms chosen to do so, which I believe are disproportionate, constitutionally vulnerable, and dangerous in their long-term implications for all Queenslanders.

Statement of Position

I oppose the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 in its current form. While I support the legitimate objectives of combating hate and improving community safety, the Bill contains provisions that grant extraordinary executive power over political speech, place an inappropriate burden on citizens to justify their expression, and have been rushed through Parliament without adequate democratic scrutiny.

Key Concerns

1. The Bill Grants the Executive Extraordinary Power to Criminalise Speech by Regulation

The Bill inserts new section 52C(1A) into the Criminal Code, empowering the Minister to recommend that the Governor in Council prescribe, by regulation, expressions that are prohibited. A person who publicly recites, distributes, publishes, or displays a prohibited expression faces a maximum penalty of 150 penalty units or 2 years imprisonment (proposed s 52DA).

This is a delegated legislative power to criminalise speech by executive instrument. Regulations are subordinate legislation. They are not debated in the chamber, are not subject to committee inquiry in the way that primary legislation is, and can be amended or expanded without public consultation. The Attorney-General has stated that regulations “already drafted alongside the bill” will prescribe specific phrases immediately upon commencement.

While the Bill requires the Minister to be satisfied that the expression is “regularly used to incite discrimination, hostility or violence towards a relevant group” (proposed s 52C(3A)), this is a subjective threshold assessed by the Minister alone. The power to determine which phrases are criminal rests with the executive, not with Parliament and not with the courts. This creates an open-ended mechanism by which any future government could progressively expand the list of prohibited expressions to target political opponents, critics, or dissenting movements. The Queensland Council for Civil Liberties has warned that these provisions “grant to the Minister a power which is capable of being used in the most arbitrary manner.”

I have seen what happens when the state holds the power to decide which words are permissible. In Chile, the Pinochet regime did not announce that it was abolishing free speech. It announced that it was protecting national security and public order. The DINA did not describe its activities as political repression. It described them as combating extremism. The language of justification was always reasonable. The consequences were not. I do not suggest that the Queensland Government intends to

replicate authoritarian repression. But the legislative architecture matters more than the intentions of the government that builds it. Governments change. Powers remain.

2. The Threshold for the Offence Is Dangerously Low

The prohibited expressions offence is triggered by conduct "that might reasonably be expected to cause a member of the public to feel menaced, harassed or *offended*" (proposed s 52DA(1)). The inclusion of "offended" as a threshold for a criminal offence carrying imprisonment is remarkable. Offence is inherently subjective. Political speech is, by its nature, often offensive to those who disagree with it.

In *Monis v The Queen* (2013) 249 CLR 92, the High Court of Australia split 3:3 on whether preventing offensive material from being communicated constituted a legitimate end for the purpose of the implied freedom of political communication. The concept of "offence" as a basis for criminal liability in the context of political expression is constitutionally contested at the highest level of the Australian judiciary.

3. The Bill Likely Burdens the Implied Freedom of Political Communication

The High Court has recognised an implied freedom of political communication arising from sections 7 and 24 of the Australian Constitution, which require that members of Parliament be "directly chosen by the people" (*Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520). As former Chief Justice Brennan observed in *Nationwide News Pty Ltd v Wills* (1992) 177 CLR 1 at 47: "To sustain a representative democracy embodying the principles prescribed by the Constitution, freedom of public discussion of political and economic matters is essential: it would be a parody of democracy to confer on the people a power to choose their Parliament but to deny the freedom of public discussion from which the people derive their political judgments."

Applying the three-stage test from *McCloy v New South Wales* (2015) 257 CLR 178:

(a) **Burden:** The prohibited expressions provisions effectively burden the freedom by criminalising the public utterance of phrases prescribed by regulation. Expressions relevant to political disputes—including foreign policy, international humanitarian law, and the conduct of states—fall squarely within the scope of political communication. The Bill's own Statement of Compatibility acknowledges that the right to freedom of expression "is broad in scope and applies to the communication of ideas of all kinds (including where that expression might be offensive or disturbing)."

(b) **Legitimate purpose:** Combating extreme prejudice is a legitimate aim. However, the means adopted—allowing the executive to prescribe specific phrases by regulation, with "offended" as a sufficient threshold—may not be compatible with the maintenance of representative government. The Victorian Government Solicitor's Office has noted that maintaining "the civility of public discourse"—that is, prohibiting people from offending one another—is an example of an end that may not be legitimate for the purpose of this test.

(c) **Proportionality:** The Statement of Compatibility concedes that existing hate speech and vilification offences under section 124A of the *Anti-Discrimination Act 1991* and section 52A of the Criminal Code already address this harm, but asserts they are not "as effective." For the necessity limb of the proportionality test, the existence of less restrictive alternatives that achieve substantially the same purpose is directly relevant. The Bill does not demonstrate why these existing offences are inadequate. The Law Council of Australia, in its submission on the parallel federal legislation, has emphasised the risk that "compressed timelines and limited consultation periods increase the risk of drafting errors, inconsistencies and unintended consequences."

4. The Reasonable Excuse Defence Requires Citizens to Justify Their Speech After the Fact

Proposed section 52DA(3) places an evidential burden on the defendant to establish a reasonable excuse. In practice, this means that the state criminalises expression and requires the individual—in a criminal proceeding, facing imprisonment—to prove that their speech served a "genuine" artistic, religious, educational, historical, legal, or public interest purpose.

The word "genuine" introduces a subjective standard to be assessed by a court. A protestor, an academic, a journalist, or an artist must demonstrate that their use of a prescribed expression was "genuine"—a standard that invites inconsistent application and creates profound uncertainty for anyone engaging in political expression. This has a chilling effect. People will self-censor not because their speech is unlawful, but because they cannot be certain it will be judged "genuine" if challenged. This is precisely how repression operates in practice: not through the prosecution of everyone, but through the fear that anyone might be prosecuted.

In Chile under Pinochet, the formal legal framework maintained courts and due process. The repression was effective not because every dissident was arrested, but because the possibility of arrest was enough to silence most people. The existence of a defence does not cure the chilling effect of a criminal prohibition on speech. The damage is done at the point of self-censorship, long before a court is asked to evaluate whether a person's excuse was "reasonable."

5. The Bill Risks Disproportionately Targeting One Form of Political Advocacy

While the Bill's text does not explicitly reference Palestinians or the Israeli–Palestinian conflict, the accompanying ministerial media statements and the Attorney-General's introductory speech make clear that the prohibited expressions provisions are directed at phrases used at pro-Palestinian rallies. Regulations "already drafted alongside the bill" will prescribe specific expressions immediately upon commencement.

Advocacy for Palestinian human rights—including the right to self-determination under international law—is legitimate political expression. The International Court of Justice's Advisory Opinion of 19 July 2024 affirmed obligations of states with respect to the occupied Palestinian territories. Public engagement with these legal

and political questions is precisely the kind of discourse the implied freedom of political communication exists to protect.

Legislation that functions to suppress one political viewpoint, while neutral in its text, undermines public trust in the even-handed application of the law. It also risks deepening the very social division the Bill claims to address. As a migrant who chose this country for its democratic values, I find it deeply troubling that the government would use the criminal law to target a particular form of political expression while claiming to act in the interests of social cohesion.

6. The Bill Reveals a Selective Approach to Protecting Communities from Hate

On 14 December 2025, a mass shooting at Bondi Beach targeted members of the Jewish community. This was a horrific act of terrorism that rightly shocked the nation. The Queensland Government has cited this attack as a primary justification for the Bill before the Committee.

On 26 January 2026—six weeks later—a 31-year-old man threw a homemade fragment bomb packed with nails, ball bearings, and volatile chemicals into a crowd of over 2,500 people at an Invasion Day rally in Perth. The device was designed to explode on impact. It failed to detonate. Had it functioned as intended, it would have been a mass casualty event targeting Aboriginal and Torres Strait Islander people and their allies at a peaceful gathering—including Elders, children, and babies. On 5 February 2026, the Australian Federal Police charged the suspect with terrorism. It was the first terrorism charge in Western Australian history and the first time in Australia that a terror charge has been laid as a result of an attack on Aboriginal and Torres Strait Islander persons.

Five days later, on 10 February 2026, the Queensland Government introduced this Bill. It contains no provisions addressing anti-Indigenous hatred. It does not mention the Perth attack. It does not extend protections to Aboriginal and Torres Strait Islander communities gathering at cultural or political events. It does not acknowledge that Aboriginal and Torres Strait Islander people have been subjected to escalating racist violence, including the August 2025 attack on Camp Sovereignty in Melbourne by members of the National Socialist Network, who chanted “white power” while assaulting Aboriginal women and desecrating a sacred site.

The Australian Human Rights Commission Social Justice Commissioner, Katie Kiss, explicitly called for the Perth attack to be given the same priority as the Bondi Beach shooting. Amnesty International and the Human Rights Law Centre called for the attack to be investigated as a hate crime and an act of terrorism. Yet the legislative response from Queensland addresses only one community’s safety.

If this Bill is genuinely about protecting communities from hate-motivated violence, the Committee must ask why it responds to one terrorist attack but not another. If a fragment bomb thrown at Aboriginal Elders and children does not warrant the same legislative urgency as the Bondi shooting, the Bill is not about community safety. It is about selective protection, and selective protection is not protection at all. It is a political choice about whose safety matters—and that choice undermines the moral authority of the entire Bill.

7. The Legislative Process Is Wholly Inadequate

The Bill was introduced on 10 February 2026. The submission deadline is 10:00am on 17 February 2026—less than one week. The committee is due to report on 27 February 2026, and the Bill is expected to be voted on during the sitting week commencing 3 March 2026.

This is a 75-page omnibus Bill that amends the Criminal Code, the Weapons Act 1990, the Police Powers and Responsibilities Act 2000, the Youth Justice Act 1992, and multiple other instruments. It proposes new criminal offences carrying imprisonment, expands police search and surveillance powers, removes judicial oversight from firearm prohibition orders, and introduces the power to criminalise speech by executive regulation. Legislation of this scope and significance demands comprehensive community consultation and rigorous parliamentary scrutiny. The rushed timeline is itself an affront to democratic process.

As someone who has studied the legislative history of authoritarian regimes, I note that urgency is a consistent feature of laws that erode civil liberties. The Pinochet regime enacted its most far-reaching security laws in the weeks immediately following the coup, before institutions could mount resistance. I am not suggesting equivalence of scale. I am observing that the tactic of compressing time for democratic scrutiny is not neutral. It is a choice that benefits the executive at the expense of the public.

8. Significant Expansions of Police Powers Are Bundled Without Separate Scrutiny

The Bill combines hate speech provisions with substantial expansions of police powers and weapons regulation. These include expanding controlled operations to allow police to "frustrate" (disrupt or prevent) the commission of offences (proposed amendments to Chapter 11, PPRA); broadening warrantless search powers to include persons merely in the company of someone subject to a Firearm Prohibition Order (proposed s 141ZGA); and removing court-issued FPOs in favour of Commissioner-only decision-making with no right of appeal to a court (omission of s 141H, omission of Part 5A Division 6).

Each of these reforms raises serious civil liberties questions. The removal of judicial oversight for FPOs is particularly concerning, as is the power to search third parties based solely on their proximity to an FPO subject. Bundling these measures with the emotively titled antisemitism provisions risks inadequate examination of their individual impacts and creates pressure to pass them as a package or be accused of being "soft on crime" or indifferent to antisemitism.

The predictive trajectory of expanded police powers exercised in the name of community safety was demonstrated five days before this Bill was introduced. On 9 February 2026, New South Wales police used what Human Rights Watch described as "apparent excessive force" against thousands of people peacefully protesting the visit of Israeli President Isaac Herzog in Sydney. Verified footage showed officers punching protesters lying on the ground, violently dispersing people kneeling in prayer, charging at and pepper spraying demonstrators, and assaulting a state member of parliament. The NSW government had invoked "major event" legislation—designed for sporting events—to suppress political protest, and had

expanded police powers to issue move-on orders, restrict access to public areas, and search vehicles. The UN Special Rapporteur on human rights and counterterrorism, Ben Saul, warned that the laws "clearly violate international law." Amnesty International reported that First Nations people, Muslim worshippers, and elderly protesters were specifically targeted. The NSW Law Enforcement Conduct Commission has since opened a formal investigation after receiving a significant number of complaints. This is not a hypothetical risk. This is what the expansion of police powers in response to community fear looks like in practice—in Australia, in 2026. The Committee should consider whether this Bill's provisions, including warrantless searches of third parties and Commissioner-only decision-making on prohibition orders, risk enabling similar outcomes in Queensland.

9. The Statement of Compatibility Asserts Rather Than Demonstrates Proportionality

The Statement of Compatibility prepared under Part 3 of the *Human Rights Act 2019* (Qld) acknowledges that the Bill limits the rights to freedom of expression, equality and non-discrimination, peaceful assembly and freedom of association, privacy, liberty and security of person, and humane treatment when deprived of liberty. Despite engaging this extensive list of protected rights, the Statement concludes that all limitations are justified.

However, the proportionality analysis is superficial in key respects. On the prohibited expressions offence, the Statement asserts there are no less restrictive alternatives but does not meaningfully engage with why existing hate speech and vilification offences are inadequate. The analysis does not grapple with the constitutional implications of the "offended" threshold. A more rigorous, independent assessment of the Bill's compatibility with both the Queensland HRA and the implied freedom of political communication is warranted before this Bill proceeds.

Recommendations

My primary recommendation is unequivocal: **the Committee should recommend that this Bill not be passed.** This Bill is not a proportionate response to a genuine threat. It is a selective exercise of authoritarian power dressed in the language of community safety. It responds to one act of terrorism while ignoring another. It empowers the executive to criminalise speech by regulation while removing judicial oversight from coercive police powers. It invokes the safety of the Jewish community while offering no protection to Aboriginal and Torres Strait Islander peoples, who were subjected to an attempted mass casualty bombing six weeks after the Bondi attack. A Bill that protects some communities and not others is not a community safety Bill. It is a political instrument, and it should be rejected.

If, notwithstanding the above, the Committee is inclined to recommend that the Bill proceed, the following minimum amendments are essential to prevent the most serious harms:

1. **Separate the hate speech provisions from the weapons and police powers amendments** so that each receives dedicated scrutiny proportionate to its significance. Omnibus Bills of this nature are a deliberate mechanism to avoid accountability.

2. **Remove the power to prescribe prohibited expressions by regulation.** If specific expressions are to be prohibited, they must be identified in primary legislation subject to full parliamentary debate. Executive regulation of speech is incompatible with democratic governance.
3. **Remove "offended" as a threshold** for the prohibited expressions offence and require proof of intent or knowledge that the expression incites discrimination, hostility, or violence.
4. **Retain judicial oversight** of Firearm Prohibition Orders rather than consolidating decision-making solely with the Commissioner of Police. The removal of courts from the oversight of coercive state powers is a hallmark of authoritarian governance.
5. **Ensure equal protection.** If the Queensland Parliament legislates against hate-motivated violence, it must extend that protection to all communities subjected to such violence—including Aboriginal and Torres Strait Islander peoples, who have been targeted by escalating racist attacks including an attempted bombing and a neo-Nazi assault on a sacred site in 2025–2026. Selective protection is not protection. It is a political choice about whose safety matters.
6. **Commission an independent legal review** of the Bill's compatibility with the implied freedom of political communication and the *Human Rights Act 2019* (Qld) before the Bill proceeds to a vote.

Conclusion

I came to Australia because it was not Chile. Because the democratic institutions here were real. Because people could speak, organise, protest, and dissent without fear that the state would criminalise their words by executive decree. I became a citizen of this country because I believed those protections were durable.

This Bill asks Queenslanders to accept that the executive should hold the power to determine which phrases are criminal, that citizens who speak those phrases should bear the burden of proving their expression was "genuine," and that all of this should be enacted in less than a month with less than a week for public submissions. I have seen where this leads, not in theory, in life.

I urge the Committee to recommend that this Bill not be passed. Not in its current form. Not in an amended form. This Bill is structurally unsound. It concentrates the power to criminalise speech in the executive. It removes judicial oversight from coercive police powers. It responds to the murder of Jewish Australians while ignoring an attempted mass killing of Aboriginal Australians six weeks later. Protecting communities from hate is an obligation—one I hold deeply as a person who has experienced the consequences of state-sanctioned hatred. But this Bill does not meet that obligation. It exploits it.

Dr Daniela Parra-Faundes (BSc, MSc, PhD).
Personal capacity — Queensland resident and Australian citizen
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