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

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SUBMISSION TO THE INQUIRY INTO THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

14 February 2026

Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000
BY EMAIL ONLY

Dear Committee,

SUBMISSION TO THE INQUIRY INTO THE FIGHTING ANTISEMITISM AND KEEPING GUNS OUT OF THE HANDS OF TERRORISTS AND CRIMINALS AMENDMENT BILL 2026

I write to the Committee to express my opposition to cl 1, which states:

> This Act may be cited as the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Act 2026*.

I object to this clause on a number of bases:

- that it offends standings orders and practice;
- that it offends the rule of law;
- that is offends legislative drafting standards;
- that it damages the law's authority.

I urge the Committee to consider the issues raised in my submission in its report.

Standing Orders & Practice

It is a longstanding principle of parliaments following the Westminster system that short titles of legislation are to be neutral.

Erskine May states (footnotes omitted):

> The short title is the title by which a bill is known during its passage through Parliament. It must describe the content of the bill in a straightforwardly factual

> manner. An argumentative title or slogan is not permitted. Abbreviations are occasionally used where the short title would otherwise be unwieldy.[1]

The following examples of inappropriate short titles are given:

> Speaker's private ruling, 16 October 2001, that 'Women's Representation Bill' was not an appropriate title for a bill about sex discrimination in the selection of election candidates. Other proposed short titles which have given rise to objection have included 'Fairness at Work', 'Modernisation of Justice', 'Safe Communities' and 'Constitutional Renewal'...[2]

The *New South Wales Legislative Council Practice* states similarly (footnotes omitted):

> The short title must describe the content of the bill in a straightforward and factual manner. An argumentative title or slogan is not permitted.[3]

It refers to the following ruling by the President of the Legislative Council:

> **The PRESIDENT:** Yesterday the Hon. Jeremy Buckingham gave notice of a motion for leave to introduce a private member's bill. The notice of motion appears as item No. 1683 outside the Order of Precedence on today's Notice Paper. The notice of motion as given and signed by the Hon. Jeremy Buckingham included the following short title of the bill to be introduced "Central Coast Water Catchments Protection (No ifs, no buts, a guarantee) Bill 2014". Standing Order 71 deals with the giving of notices of motions. Standing Order 71 (8) states that, "A notice which is contrary to these standing orders or practice will be amended before it appears on the Notice Paper". As stated at page 527 of the 24th edition of Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament, "The short title must describe the content of the bill in a straightforwardly factual manner. An argumentative title or slogan is not permitted".

[1] D Natzler KCB and M Hutton (eds), *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 25th ed, (LexisNexis, 2019), para 26.6.

[2] Ibid para 26.6, fn 1.

[3] S Frappell and D Blunt (eds), *New South Wales Legislative Council Practice*, 2nd ed, (Federation Press, 2021), p 518.

The Queensland Parliament's long-standing adherence to this rule is demonstrated by reviewing the index of bills examined by the former Scrutiny of Legislation Committee available on the Parliament's website.[4] Out of the hundreds of bills examined from 1995 to 2011, only two caught my eye as potentially offending it:

- the *Fairer Water Prices for SEQ Amendment Bill 2011; and*
- the *Criminal Code (Protecting School Students and Members of Staff from Assaults) Amendment Bill 2007*.

Both of these are quite tame compared to "Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026".

Searching on the Queensland Legislation website for any Act or subordinate legislation ever made, I am unable to find a single piece of legislation with a short title that contains any of the following: "fight", "fighting", "out of", "hands" or "terrorists".

I did find a hit for "keeping", but that is in the context of regulations relating to the keeping of animals. I also found a hit for "terrorist" (without the "s"), but that is in the context of the *Justice Legislation (Links to Terrorist Activity) Amendment Act 2019*. I also found a hit for "criminals", but this was in relation to an Act from over 100 years ago, the *Influx of Criminals Prevention Act 1905* (an act to effectively criminalise those with criminal records from moving between states, and whose NSW equivalent was struck down in a High Court challenge some years later).

Bills which use the term "keep" or "keeping" followed by some exaggerated or colloquial vocabulary only seem to be of recent popularity. This Bill, along with the *Progressive Coal Royalties Protection (Keep Them in the Bank) Act 2024*, are examples.

Word Choice Matters

Word choice matters. Words like "fair" and "protect" (and also, e.g., "prevent", "strengthening") are words commonly found in legislation titles, and formal and professional English more generally. They have a considerably more neutral tone than "fight" or "keep… out of the hands of". They also align with the vocabulary used to explain the purpose and objects of a law, and therefore the langauge used to interpret the law. We say, for example, a Bill amending a criminal law is designed to protect a certain class of persons by preventing others from doing something. We also say, for example, a Bill amending a law about business is designed to bring about a more fair and just outcome, whether social or economic.

[4] P O'Brien, 'Legislative titles - What's in a name?', *The Loophole* (November 2012), pp 24-25.

In contrast, words like "fight" and "keep … out of the hands of" are colloquial and emotive. In just reading the title of the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026*, one passes judgement. There is an implication there is some form of crisis, both an antisemitism crisis, and an illegal gun ownership crisis involving terrorists and criminals. This is similar to the *Influx of Criminals Prevention Act 1905* I referred to earlier, which I think you may have accepted was inappropriate when I first referred to it.

While antisemitism is undoubtedly on the rise, it is not the role of legislation to tell us how to think about political matters: crises, scandals and affairs. The law's role is to guide us on moral and social matters. It's drafting and style sit above the political.

Similarly, referring to subject matter or individuals through formal terminology (e.g. "Strengthen Gun Controls"; "Offender") gives legislation an air of independence; there is no suggestion it is trying to make us feel a particular way about a particular class of people. This is a part of the rule of law, being equality of and before the law. This goes to fundamental legislative principles under section 4 of the *Legislative Standards Act 1992*, and also our *Constitution of Queensland 2001* as a people governed by the rule of law.

In contrast, referring to individuals as collectives (i.e. criminal<u>s</u>) in our legislation hasn't work out well in the past. It usually indicates an intent to persecute or control a particular class of people; to strip them of their rights, and their dignity as people. Examples from Australia and aboard include: the Aboriginals / Aborigines Acts, the Aliens Acts, the Blind, Deaf, and Dumb Children Acts, the Dangerous Lunatics Acts, the Idiots Acts, and the Vagrants Acts. All of these Acts had quite negative consequences.

While I (obviously) believe it is appropriate for people in their day to day lives to admonish, speak poorly of and detest terrorists or criminals, it is not appropriate for the statute book to do so. The law, as our book of rules, and our lawmakers, as our leaders holding considerable power, must respect the underlying level of decency that even terrorists and violet and repeat criminals are afforded as human beings. It is also important for the law and our leaders to not paint everyone with the same brush; many criminals have committed only nonviolent crimes like financial crimes and stealing, and many criminals rehabilitate themselves.

How can there be equality before the law if the law encourages us to pass judgment? And, how can a Bill which nobly seeks to prevent and protect minority communities from prejudice and hate, have a short title that tends to incite division and fear?

A Practical Problem

Turning to the more practical side of short titles, the problem of slogan Bill titles was discussed in an article in the Commonwealth Association of Legislative Counsel's journal, *The Loophole*, by Paul O'Brien, then Principle Parliament Counsel – Counsel - Finance and Resources Adviser, Office of the Chief Parliamentary Counsel, Victoria:

> One problem with using a slogan as the short title of an amending Act is that it gives no indication that it is an amending Act, let alone of the Principal Act that is being amended, thus making the amendments more difficult to identify. Only someone with detailed knowledge of the circumstances would know that the *Cracking Down on Crooked Consultants Act* was an amendment to the *Immigration and Refugee Protection Act*. The amending Act, which sets up a system for regulating immigration consultants, was enacted in response to instances of exploitation by some consultants. While the Canadian public (or at least the relevant sector of the Canadian public) may have been aware of the circumstances leading to the legislation at the time, anyone unfamiliar with those circumstances would be hard pressed to identify the Principal Act being amended. And the public tends to forget, so in the future they will struggle to remember the connection between the short title and the actual subject matter of the amendments.
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> It is not only the Canadian federal jurisdiction that has caught the bug (so to speak). Here are some short titles from the province of Ontario:
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> - *Fairness is a Two-Way Street Act (Construction Labour Mobility) 1999*
> - *Excellent Care for All Act, 2010*
> - *Open for Business Act, 2010*.
>
> It takes some stretch of the imagination to discern that the *Open for Business Act, 2010* was an amending Act authorising a statutory authority to provide agricultural insurance and amending provisions for drainage works.[5]

Recent examples of these types of titles in Queensland include the *Progressive Coal Royalties Protection (Keep Them in the Bank) Act 2024*, and the *Locking in Cost of Living Support (50 Cent Fares Forever) Amendment Bill 2025*. How exactly do these laws "keep them in the bank" or "lock it in forever"; parliament, which is controlled by the executive, is free to amend the law at any time. In the case of the former, which moved royalty rates

[5] Harwin, *Hansard*, NSW Legislative Council, 5 March 2014, pp 27017-27018.

from regulation to Act, regulations as disallowable statutory rules, so remain subject to parliamentary scrutiny. What exactly did this Act achieve?

These short titles quite clearly tend to misrepresent the Bills for political advantage. They are catchy titles which are favourable to the public, but which rely on false premises about how our institutions of democracy work, so exaggerate and overstate their effect.

In relation to the Bill before the Committee, the reference to "Antisemitism" is problematic. The provisions of the Bill apply equally to all forms of religion. The Bill's effects therefore extend greatly beyond the short title, which indicates it introduces provisions which protect only Jewish individuals. It is not an accurate summary of the content of the Bill.

Notably, one of the fundamental legislative principles under the *Legislative Standards Act 1992* is that legislation "is unambiguous and drafted in a sufficiently clear and precise way". The short title is, in my submission, ambiguous and not clear.

I will observe that, thankfully, we not yet at the point of being the United States of America, where short titles are meaningless political slogans. Take, for example, the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act*, and the recent *One Big Beautiful Bill Act* and *Tax Cuts and Jobs Act*. These reduce democracy and lawmaking to a juvenile endeavour, and erode public confidence.

The Dignified

I have been watching the Netflix series *The Crown* recently. In the early seasons, there is an unexpected lesson about our governmental institutions. *The Crown* reminds us that two hundred years ago Walter Bagehot wrote about two components of government: the "efficient" and the "dignified". The efficient to get the job done, and the dignified to give the institution legitimacy.

Although legislation is the product of the efficient (i.e. the Parliament), it is itself the dignified. Legislation has a special and unique uniform; it's clinical, formal and precise language, phraseology and presentation gives it a sense of importance and difference. When we think of the law, we think of black words forming numbered lines on crisp white paper. Legislation is made also under special authority; it only becomes law after it is given the King's consent, and it must be authorised by a special team of drafts people. It is then interpreted and enforced through the judicial system, which is full of ceremony, formality and political neutrality.

Like the monarch, the restraint and neutrality, combined with the formality and ritual, of legislation is part of a broader set of institutional quirks and traditions which give legitimacy to our laws. It gives the public confidence in the law as being something well crafted and considered, and a perception of its authority over us. These features allow legislation to hold a special place in our lives as something binding out actions. Many people follow the law even where they disagree with not because there are consequences if they do not, but because it is scared text which commands respect.

Slogan and informal legislation titles cut across the dignity of legislation. They tend to undermine the formality of legislation. They also narrow the gap between the efficient and the signified; now the language of the law is political and has an agenda. This allows legislation to lose our respect.

Take, for example, a public notice which refers to the "Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Act 2026." Would you really take it seriously? Would you follow what it says? And would you question whether it is a real law in the first place?

Final Words

A more appropriate title for the Bill would be, for example, the *Criminal and Weapons Legislation (Religious Protection, Terrorism Prevention and Strengthening Weapons Controls) Amendment Bill 2026*. This clearly explains to the reader what the Bill is about, and its scope and effect. It also is neutral and factually descriptive.

The recent use of emotive and slogan type short titles for Bills before the Parliament is, in my view, indicative of an "Americanisation" of our politics. The slow erosion of important rules, practices and traditions of our democracy for political gain. The desire to dramatise, sensationalise, and single out particular classes of people in our society as being the cause of our problems.

I urge the committee to consider these final words, and pass comment on them in their report. As many of my life long mentors have told me: "the standards you accept are the standards you set". Please protect the institutions of Parliament and the law.

Yours faithfully,

Tobias Kennett