

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

Submission No: 270

Submission By: Alex Deagon

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Submission to Justice, Integrity and Community Safety Committee on the
Fighting Anti-Semitism Amendment Bill 2026 (Qld)

Dr Alex Deagon

Associate Professor, School of Law

Queensland University of Technology

(Submitting in a personal capacity) [REDACTED]

I am a leading authority on religious freedom in Australia and an internationally recognised expert in religious freedom. For a full catalogue of my expertise and scholarly publications, please see Appendix 1 below.

Submissions

I hold major concerns regarding the proposed hate speech provisions. I outline these below.

52C - Key terms such as discrimination, violence and hostility are not defined. Ideological activists have attempted to argue that merely asserting religious doctrines such as 'Jesus is the only way to God' and 'sexual relations are appropriately expressed through heterosexual marriage' amounts to a demonstration of hostility or violence, including psychological violence. This opens the possibility for an extremely broad range of expressions to be designated as prohibited.

More significantly, discrimination as defined under the Queensland *Anti-Discrimination Act* includes particular actions by religious bodies (such as appointment to ministry on the basis of sex, or hiring practices on the basis of belief and conduct) that are exempted under that Act and therefore permitted. However, no such exemption exists in this bill. Again, this potentially captures a very broad range of 'discriminatory' religious freedom actions that are now potentially subject to imprisonment.

The Minister must 'consult' before making the regulation but there is no obligation to listen. The consultation requirement could easily be manipulated to have a negligible effect.

52DA provides a criminal prohibition with imprisonment for publication of prohibited expressions where 'reasonably expected to cause a member of the public to feel harassed or offended'. This is an extremely low bar which would capture robust debate on important democratic issues and subject people to imprisonment on the basis of whether a person 'feels offended'.

The 52DA religious exemption requires a judge to decide whether the person engaging in the conduct did so for a 'genuine religious purpose' and the conduct was 'reasonable to that purpose'. This reasonableness standard is vague as reasonable minds may differ on what is reasonable. In addition, the standard requires judicial determination of theological doctrines and associated conduct. Secular judges are ill-equipped to determine if religious conduct is reasonable from a religious perspective and it is highly likely that perverse interpretations will result which will have the effect of restricting religious freedom. It is also highly inappropriate, in principle, to have secular judges which are agents of the state to effectively decide the nature and effect of religious doctrine.

The provisions extend to religion, sexuality, sex characteristics and gender identity such that robust debate regarding important issues such as religious truth and sexual morality could now constitute a criminal offence subject to imprisonment where someone 'feels offended', as is inevitable in a robust liberal democracy.

The law as proposed also risks infringing the implied freedom of political communication and thus being rendered unconstitutional. As consistently held in the leading cases of *Lange*, *McCloy* and *Brown*, a law will infringe the implied freedom where there is a burden on political speech, the law does not have a legitimate objective, or if it does, the law is not reasonably appropriate and adapted (proportionate) to that objective. This law clearly burdens political speech by enabling the criminalisation of 'prohibited expressions'. Furthermore, this law directly targets the kind of political and religious speech which undergirds Australia's process of representative democracy, so it arguably lacks a legitimate objective. Even if there is some legitimate object such as community safety, the law is clearly disproportional to the achievement of that object as it is not reasonably appropriate and adapted to the achievement of that object. As this submission has observed, the law permits almost unfettered ministerial discretion, contains broad and undefined terms, and produces significant ambiguity. It could potentially capture almost any speech on any topic. The extremely low bar of 'feels offended' means it is difficult to imagine any debate not being caught by it. Though there is a defense of reasonable excuse, it is narrow, difficult to meet, subject to interpretation, and shifts the burden to the accused. There is a term of imprisonment imposed if found guilty and so the penalty is significant. The chilling effect on speech far outweighs the harm this law is seeking to address, and is likely to be challenged.

Overall, these provisions have significant ambiguity and overreach, severe penalties, and unduly restrict religious freedom and freedom of speech.

It is also worth noting that the community has only been provided a few business days for submissions to occur, with little notice given of the inquiry. This rapid and clandestine approach is antithetical to good law. At least these provisions should be excised from the bill and subject to broader and longer consultation to enable proper consideration of such sweeping changes.

I acknowledge that I am a Board Member of *Freedom For Faith* and assisted with the drafting of their submission to this inquiry, which I fully endorse.

Thank you for your consideration.

Appendix 1: Research Expertise

My name is Dr Alex Deagon. I am an Associate Professor in the School of Law at the Queensland University of Technology. I am a leading authority on religious freedom in Australia and an internationally recognised expert in religious freedom. In regard to this issue I have published two scholarly monographs, over 30 peer-reviewed journal articles and book chapters, presented at dozens national and international conferences, and have written opinion pieces and provided expert commentary on religious freedom issues to the media and government inquiries. I am also the founding co-editor of the *Australian Journal of Law and Religion*. Some relevant publications are listed below. My scholarly monographs on religious freedom and discrimination in Australia, the US and the UK, were published in July 2025 with Routledge, and February 2023 with Hart Publishing, Oxford, two legal publishers of international repute. I draw from my previous publications below and my previous submissions for this submission. For a full catalogue of my experience and publications in this area, please see <https://staff.qut.edu.au/staff/alex.deagon>.

- Christian Natural Law and Religious Freedom: A Foundation Based on Love, the True, and the Good, Routledge, London, UK; 2025.
- A Principled Framework for the Autonomy of Religious Communities: Reconciling Freedom and Discrimination, Hart Publishing, Oxford, UK; 2023.
- Creating Peaceful Coexistence through Virtue: A Theological Approach to Institutional Religious Freedom, Equality and the First Amendment (2025) 63(1) *Journal of Catholic Legal Studies* 1-40.
- Recognising Religious Groups as Litigants: An International Law Perspective (2024) 13(2) *Laws* <https://doi.org/10.3390/laws13020016>.. (with Mark Fowler)
- Circumventing Section 116 Through ‘Indirect or Devious Means’: Freedom of Religion and the Boundaries of Executive Power (2024) 52(2) *Federal Law Review* 1-22: <https://doi.org/10.1177/0067205X241252174>. (with Benjamin Saunders)

- Reconciling Freedom and Equality for Peaceful Coexistence: On the Need to Reframe the Exemptions in the *Sex Discrimination Act* (2023) 2 *Australian Journal of Law and Religion* 20-35.
- The Influence of Secularism on Free Exercise Jurisprudence: Contrasting US and Australian Interpretations (2022) 13 *International Journal of Religious Freedom* 123-137.
- The Religious Questions Doctrine: Addressing (Secular) Judicial Incompetence (2021) 47(1) *Monash University Law Review* 60-87.
- Religion and the Constitution: A Response to Luke Beck's Safeguard Against Religious Intolerance Theory of Section 116 (2021) 44(4) *UNSW Law Journal* 1558-1583. (with Benjamin Saunders)
- State (non-)Neutrality and Conceptions of Religious Freedom in Jasper Doomen and Mirjam van Schaik (eds) *Religious Ideas in Liberal Democratic States* (Rowman & Littlefield, 2021) 65-85.
- Is Religious Liberty Loving in Principle? in Michael Quinlan (ed) *Inclusion, Exclusion and Religious Freedom in Contemporary Australia* (Connor Court Publishing, 2021) 17-47.
- Principles, Pragmatism and Power: Another Look at the Historical Context of Section 116 (2020) 43(3) *Melbourne University Law Review* 1033-1068. (with Benjamin Saunders)
- Equal Voice Liberalism and Free Public Religion: Some Legal Implications in Michael Quinlan, Iain Benson and Keith Thompson (eds) *Religious Freedom in Australia: A new Terra Nullius?* (Connor Court Publishing, 2019) 292-332.
- A Christian Framework for Religious Diversity in Political Discourse in Michael Quinlan, Iain Benson and Keith Thompson (eds) *Religious Freedom in Australia: A new Terra Nullius?* (Connor Court Publishing, 2019) 130-162.
- Religious Schools, Religious Vendors and Refusing Services After Ruddock: Diversity or Discrimination? (2019) 93(9) *Australian Law Journal* 766-777.
- Maintaining Religious Freedom for Religious Schools: Options for Legal Protection after the Ruddock Review (2019) 247(1) *St Mark's Review: A Journal of Christian Thought and Opinion* 40-61.
- Liberal Secularism and Religious Freedom in the Public Space: Reforming Political Discourse (2018) 41(3) *Harvard Journal of Law and Public Policy* 901-934.
- Liberal Assumptions in Section 116 Cases and Implications for Religious Freedom (2018) 46(1) *Federal Law Review* 113-137.
- Defining the Interface of Freedom and Discrimination: Exercising Religion, Democracy and Same-Sex Marriage (2017) 20 *International Trade and Business Law Review* 239-286.

I have also contributed significantly to religious freedom law and policy in Australia. My submissions have been cited over 80 times in multiple state and national reviews and inquiries, and in the proceedings of the Commonwealth Parliament by a Government Minister. For example, I provided a written submission to the Australian Law Reform Commission Inquiry into Religious Schools and Discrimination. The ALRC requested a copy of my 2023 *Reconciling Freedom and Discrimination* monograph before it was published to inform their recommendations, and I also had a private meeting with ALRC legal officers to provide direct expertise on freedom of religion issues. I was one of only 14 academics nationwide consulted directly by the ALRC and was cited 6 times in the ‘What we Heard ADL2 Background Paper’. I was then cited over 30 times in the Final Report released by the ALRC on this issue. The foregoing demonstrates my considerable national and international expertise in religious freedom matters.