

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

**Submission No:** 278

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Thank you for the opportunity to make a submission on the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (the Bill). Due to the extremely limited time provided for submissions, our comments will be restricted to the proposed amendments to the Criminal Code and the *Police Powers and Responsibilities Act 2000* (PPRA) to create the proposed new offence of using a prohibited expression.

The Bill provides the Minister with the power to prescribe a 'prohibited expression' and creates a new offence for the recital, distribution, publication or display of prohibited expressions with extremely significant penalties. Further, police will be provided with powers to stop, detain and search persons and vehicles without warrant in relation to this new offence.

The media statement issued on 8 February 2026 by the Premier and Minister for Veterans and the Attorney-General and Minister for Justice and Minister for Integrity (the media statement) and the Introductory speech for the Bill both described these amendments as 'considered'. However, it is clear given the extremely short time between the Bondi attack and the introduction of the Bill, the dearth of policy substance provided and the lack of broad consultation that these are rushed and poorly-thought through amendments designed to appease a small section of the community which will restrain the implied right to freedom of political communication and limit human rights of Queenslanders. For these reasons, we oppose these amendments.

#### *Lack of policy substance*

In 2021 the then Legal Affairs and Safety Committee (LASC) was tasked with inquiring into and reporting to the Legislative Assembly on the nature and extent of hate crimes and serious vilification in Queensland, whether there was evidence of increasing instances of serious vilification in Queensland and the effectiveness of section 131A of the *Anti-Discrimination Act 1991* and other existing Queensland laws responding to hate crimes. The Committee received 82 written submissions and 40 video and audio submissions and held numerous public briefings and hearings, including hearing from representatives of 44 organisations.

Following this detailed and thorough inquiry, the *Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Act 2023* made a number of amendments to implement recommendations of the LASC inquiry, including the creation of a Criminal Code offence of displaying, distributing or publishing prohibited symbols.

Now, less than two years after commencement of these amendments, this Bill proposes to create a new offence of using a prohibited expression. For such a significant expansion of restrictions on political communication, it would be expected that the Government would provide a detailed analysis to clearly articulate and identify the nature and scope of the alleged issues in Queensland, the ways in which the existing legislative framework is insufficient, alternatives

considered and, crucially, how the proposed new offence is a proportionate and effective way to address the alleged issues.

However, the explanatory notes for the Bill provide no explanation of the policy objectives of these amendments, beyond referring to the Bondi terrorist attack which occurred in New South Wales on 14 December 2025 and to 'rising levels of antisemitic and other hate speech, violence and extremism in Australia' without providing a single statistic or piece of research to support this assertion. By contrast, the LASC report provided extensive anecdotal examples of incidents of hate crimes and serious vilification and examined data collected by the Queensland Police Service and community groups to consider the extent of incidents and whether the rate was increasing.

The Statement of Compatibility states that the purpose of the amendments is to guard against extreme prejudice against relevant groups and addresses whether the existing legislative framework is appropriate. It states that the new offence will provide greater clarity leading to an increased deterrent effect and more successful prosecutions. No doubt this is correct, however it does not address the heart of the issue which is that no evidence is provided that the existing framework is not working as intended or that any non-legislative alternatives to combatting hate crimes were considered. New offences and increased penalties are not always the best way to tackle issues such as this.

Given the impact on the implied freedom of political communication and human rights, this lack of policy substance is deeply concerning. Queenslanders have a right to expect that any proposed restraint on the implied freedom will be carefully and thoroughly considered and explained to ensure that it is appropriate and proportionate.

### *Consultation*

The title of the Bill, references in the explanatory notes, human rights statement of compatibility and the Minister's Introductory Speech, along with the media statement make it clear that the amendments, while general in nature, are aimed specifically at combatting one specific form of hate - antisemitism. All forms of hate and racism are to be unequivocally condemned in the strongest terms, and there cannot be any hierarchy in hate. This focus on antisemitism divides the community by appearing to prioritise one group's needs over others, instead of addressing hate and racism as a whole.

The explanatory notes state that consultation has been carried out with 'senior members of Queensland's Jewish community'. No consultation appears to have been carried out with any other groups that have been targets of hate and vilification, including First Nations people, the Muslim community, people from linguistically and culturally diverse backgrounds, members of the LGBTQI+ community or people with disabilities. All these groups, and all Queenslanders,

should have equal rights to be heard and to be consulted on an amendment such as this which may impact on all our rights.

#### *Search and seizure powers*

The Bill will also amend the PPRA to give police powers to stop, detain and search persons and vehicles and seize evidence without warrant in relation to this new offence. The Statement of Compatibility states that ‘the purpose is to ensure police officers may search people or vehicles and seize items that may be evidence of the offence in a timely and efficient way, prevent loss of evidence and prevent further display of the expression’. However, no explanation is given of how this purpose applies when the offence is allegedly constituted by a person ‘reciting’ a prohibited expression. What type of evidence may be lost and how would stopping and searching a person prevent further recitations?

#### *Scrutiny, transparency and regard for the Institution of Parliament*

The media statement specified that the phrases which will be prescribed are:

- “globalise the intifada”
- “from the river to the sea”.

As these phrases do not form part of the Bill but are to be prescribed by regulation, consideration of whether they meet the required criteria will likely be deemed by the Committee to be outside the scope of its consideration of the Bill. This means that the public will not be provided with an opportunity to make submissions on the meaning of the phrases and whether they are appropriate to be prescribed under the proposed amendments. This lack of scrutiny and transparency is concerning, especially for amendments that will impact on freedom of expression in this State.

If the Government has already decided on the phrases to be prescribed as stated in the media statement, this demonstrates a serious disregard for the institution of Parliament. It implies that the Attorney-General has already satisfied herself of the matters required even though they are not yet law and has pre-empted the required consultation with the chairperson of the Crime and Corruption Commission, the Human Rights Commissioner and the commissioner of the Queensland Police Service as well as consideration of a proposed regulation by the Governor in Council.

#### *Criminalising the Palestinian community and its supporters*

As is well known, these expressions are associated with the Palestinians and the pro-Palestine movement which calls for freedom, justice and self-determination for Palestinians. This movement has conducted many peaceful and lawful marches in Queensland protesting the horrific genocide being carried out in Gaza by the State of Israel and the continuing oppression

of the Palestinian people and the illegal occupation of Palestinian land by Israel. Throughout Australia this movement has been growing, as witnessed by the massive turn outs to the marches around Australia in August 2025.

Many reputable organisations and scholars have concluded that Israel is committing genocide in Gaza, including Amnesty International, Human Rights Watch and the International Association of Genocide Scholars. The International Criminal Court has issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defence Minister Yoav Gallant for war crimes and crimes against humanity and the International Court of Justice has issued a ruling ordering Israel to take all measures in its power to prevent genocide.

Protesting atrocities and war crimes is a legitimate form of political expression that should be protected by the State, rather than attacked.

From information publicly available at this stage, it appears that the perpetrators of the Bondi terrorist attack were radicalised by the Islamic State and have no association with the pro-Palestinian movement. This attempt to link the pro-Palestinian movement to the horrific terrorist attack at Bondi is dishonest and divisive.

Further, while the proposed amendments are initially planned to be used to target people advocating for Palestinian human rights, the power to prescribe prohibited expressions may be used in future to suppress other forms of legitimate political dissent and threaten the implied freedom of political communication and human rights of other groups.

We urge the Committee to reject this Bill that aims to restrict Queenslanders' constitutional implied freedom of political communication and human rights without providing any detail that the proposals are necessary, appropriate, proportionate or likely to achieve the purpose.

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