

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

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Submission By: Queensland Law Society

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Committee Secretary
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4001

By email: jicsc@parliament.qld.gov.au

Dear Committee Secretary

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

Thank you for the opportunity to provide a submission to the inquiry considering the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Bill)*.

As the Committee is aware, the Queensland Law Society (**Society**) is the peak professional body for the State's legal practitioners.

This submission has been prepared with the assistance of the Society's Criminal Law Committee and Human Rights and Public Law Committee.

Consultation timeframes

A fundamental tenet of our system of parliamentary process is that stakeholders should have a meaningful opportunity to be involved in the consultation process. We do not consider short consultation time frames, such as that allowed for this Bill, amount to meaningful and robust consultation. As such, the timeframe available for making submissions in response to the Bill means that it has not been possible for the Society to conduct an exhaustive review. The absence of comments on parts of the Bill not expressly referred to in this submission should not be taken as the Society's assent or support.

Introductory comments

The Society acknowledges the legitimate concerns about community safety and the serious impacts of acts to incite discrimination, hostility and violence towards certain groups. The Society supports proportionate legislative responses to confront antisemitism and extremist violence. Such legislative responses must respect the principles of necessity, legality and proportionality.

While the objective of stamping out extremism and enhancing social cohesion is vital, it is imperative that these laws are precise, clear and do not result in unintended consequences.

We highlight that much of the criminal conduct targeted by the Bill, such as threats of violence or property damage, is already criminalised under the Criminal Code. Introducing new provisions for this same conduct will not lead to meaningful change and instead adds unnecessary complexity to the law.

It is our strong view that the preferred approach is to strengthen and harmonise anti-discrimination and anti-vilification regimes across state and federal levels before resorting to further criminalisation. The Society calls for the implementation of changes to Queensland's anti-discrimination laws contemplated by the *Respect at Work and Other Matters Amendment Act 2024 (Amendment Act)*. The Amendment Act reforms are highly relevant to the core intent of this Bill and were the product of a four-year, community driven process initiated by the Cohesive Communities Coalition in 2020, marked by extensive consultation, evidence gathering and careful legislative design. The Bill should be assessed against the broader trajectory of anti-discrimination and anti-vilification reforms to ensure their necessity and functionality and to avoid unintended consequences.

As far as the Bill relates to children, the Society notes the Government's Adult Crime Adult Time legislation and repeats our earlier stated concerns about aspects of this legislation. We note the Explanatory Speech and Explanatory Notes to the Bill are silent as to whether the Expert Legal Panel has been consulted and provided recommendations in relation to how the proposed amendments may affect children.

This Bill will increase the workload of the Queensland Civil and Administrative Tribunal (QCAT). If the Bill is passed, QCAT must be provided with the additional resources required to perform this additional work.

Criminal law alone cannot address the root causes of rising levels of antisemitism in Australia. Any new legislative measures must be accompanied by steps to address issues through a strong focus on prevention and community education.

Appropriate oversight and review mechanisms are crucial to ensuring the proposed amendments represent a measured and suitable means of addressing the drivers of antisemitic and extremist behaviour. We recommend the Bill be amended to include a post-implementation review period after two years.

We make the following comments in respect of the Bill.

Amendments to the Criminal Code

Clause 4 – Amendment of section 52D (Display, distribution or publication of prohibited symbols)

Clause 7 – New section 52DA (Recital, distribution, publication or display of prohibited expressions)

One of the key issues that underpins the Society's submissions in relation to the proposed offence of prohibited expressions is ensuring that the statutory test for this offence and associated concepts is strictly objective, to ensure that only the most serious types of behaviour are captured and there is no means by which such laws could be misused, including against the people they are intended to protect.

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We consider that higher objective test is appropriate because the corresponding punishment for the offending behaviour is a maximum penalty of 2 years imprisonment.

We support the inclusion of a reasonable excuse defence and the use of 'reasonable' in this context suggests a clear parliamentary intention for it to be an objective test, as it does not refer to the subjective circumstances of the victim.

We raise similar concerns in relation to the phrase '*so nearly resembles*'. Introducing a '*so nearly resembles*' threshold risks capturing expressions beyond the core mischief the Bill is aimed at, and, in turn, risks creating uncertainty about what conduct is actually prohibited.

The breadth and subjectivity of this phrase may inadvertently criminalise lawful expressions, particularly when resemblance is in the eye of the beholder rather than grounded in objective criteria. In our view, a resemblance-based test shifts the focus away from the harm the law seeks to prevent and towards speculative assessments of similarity, inviting an increased likelihood of inconsistent enforcement. The key issue here is not the policy intent, which is clear, but ensuring that the wording of the offence does not create collateral consequences that reach beyond the targeted conduct.

This position aligns with the Law Council of Australia's submission¹ in response to the *Combatting Antisemitism, Hate and Extremism Bill 2026* (Cth), which we adopt and endorse in responding to this aspect of the Bill.

As stated at the outset, there are existing offences that we say are broad enough to capture the conduct contemplated by this Bill. We note that there are other barriers however to prosecuting that conduct that have nothing to do with whether new criminal offences are created or expanded. Those barriers include a lack of community education and proper education of police offices.

Ministerial power to prescribe symbols and expressions

It is proposed that the decision to prescribe an expression rests solely with the Minister. While there is a requirement to consult with the Chairperson of the Crime and Corruption Commission, Human Rights Commissioner and the Police Commissioner, there is no other oversight mechanism or opportunity to review a Minister's decision.

In our view, concentrating such a broad, discretionary authority in the Minister alone risks undermining procedural fairness. Members of the Human Rights and Law Committee suggest affected individuals or groups should have the opportunity to be consulted in relation to proposed prohibited expressions, whether this be through a public consultation or objections process.

Clause 12 - Amendment of section 540 Preparation to commit crimes with dangerous things

The Society does not support the proposed amendment to insert the words '*a dangerous or offensive weapon or instrument*' in section 540.

The proposed amendment to amend the existing section 540 by inserting this phrase is accompanied by no meaningful justification beyond the observation that similar wording

¹ Law Council of Australia [submission](#) in response to the *Combatting Antisemitism, Hate and Extremism Bill 2026* (Cth).

appears elsewhere in the Criminal Code. Reliance on mere repetition across criminal law provisions does not engage with the purpose of this amendment, the mischief it is intended to address, or the practical consequences of broadening the offence in this way. The absence of any articulate rationale or analysis of necessity undermines confidence in the broader suite of criminal law amendments contained in the Bill, particularly given their substantive nature and cumulative impact.

Clause 13 - New section 540A Preparation or planning to cause death or grievous bodily harm

We do not support the introduction of this offence in its currently drafted form as the conduct it seeks to capture already falls within existing sections 535 and 536 in the Criminal Code.

We also note the current drafting omits specific reference to 'terrorists acts' in subsection 540A(2)(c) that is contained in section 101.6 of the Commonwealth Criminal Code on which it is modelled. Including reference to 'terrorist acts' effectively narrows the scope of the offence, creating a necessary distinction between terrorism based offending and general criminalised conduct already addressed by criminal laws.

Clause 68 - New section 56A Reckless discharge of weapons towards building or vehicle (Maximum penalty – 20 years or 16 years imprisonment)

The Society does not support the introduction of this offence.

Sections 69 and 75 of the Criminal Code and section 57 of the *Weapons Act 1990 (Qld)* appear comprehensive in their coverage of the conduct intended to be captured by the proposed section.

We also hold concerns in relation to the fault standard of recklessness in the new offence provision. In circumstances where the offence carries a maximum penalty of 20- or 16-years imprisonment, a higher test based on the establishment of an intent to cause harm element should apply.

Amendments to the Police Powers and Responsibilities Act 2000

Clause 23 – Offence thresholds for controlled operations, controlled activities and surveillance device warrants

The Society does not support lowering the threshold for controlled operations and activities and to obtain a surveillance device warrant to investigation of an offence carrying a maximum penalty of 3 years.

This amendment represents a significant expansion of police powers in matters of comparatively lower seriousness. Such a shift risks imposing disproportionate limitations on rights to privacy and equality and potential for differential or uneven impacts across certain communities. These concerns are amplified when viewed in the context of the Bill as a whole, which seeks to introduce a suite of new offences, enhanced police powers and expanded executive discretions.

Amendments to the Weapons Act 1990

Clause 98 – Power to search particular persons

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The proposed search powers for police in new section 141ZGA are very broad and largely unfettered. The police have adequate search powers under existing legislation to search a person suspected of being involved in violent or terrorist acts.

The fair and reasonable use of new FPO search powers depends largely on the discretion of individual police officers. As such, we hold concerns about the risks associated with unreasonable and arbitrary use. If the broaden of police powers under the FPO scheme are progressed, we consider it important for limitations to be included in relation to necessity, reasonableness and proportionality.

Clause 107 – Insertion of new pt 6, div 2 Provisions relating to Firearm Prohibition Orders (FPO)

The Society strongly opposes amendments to revise the existing FPO scheme to remove the court-issued FPO process and transition to a commissioner-issued FPO scheme.

Granting the Commissioner of Police sole authority to issue FPOs may lead to decisions being perceived as arbitrary or discriminatory. The removal of a judicial officer for the decision-making process can lead to a perception of a lack of independence and impartiality. This approach is inconsistent with principles of natural justice and the right to an unbiased decision-making process.

While a person issues with an FPO can apply to QCAT for a review of the decision, even during QCAT reviews, the Bill ensures that criminal intelligence remains protected (Clause 101), potentially continuing the lack of transparency for the affected individual.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully

A large black rectangular redaction box covering a signature.

Peter Jolly
President