

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

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YOUTH ADVOCACY CENTRE

Submission to the

SUBMISSION TO THE JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

on the

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

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The Youth Advocacy Centre (YAC) thanks the Justice, Integrity and Community Safety Committee (the *Committee*) 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).

YAC is a community legal centre which provides wraparound social support including family, homelessness and bail support for children (persons aged under 18 years of age), particularly those involved in, or at risk of involvement in the youth justice system. We provide our response to the proposed Bill to the extent that we perceive an impact on children.

“Prescribed expressions” in the Criminal Code

The Bill’s proposed new section 52DA of the Criminal Code would prohibit the reciting or distribution of a ‘prohibited expression’ in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended. YAC’s concerns are outlined below:

1. Uncertainty regarding the scope of ‘place’

Section 52AD stipulates that an expression is publicly recited or displayed if it occurs in a ‘place’ that the public is entitled to use or is entitled to enter (regardless of whether payment is required). It is not clear whether ‘place’ is intended to include online locations such as a social media app or site, group messaging, or websites where the public can engage in online chats.

We have provided the below feedback on the basis that ‘place’ is limited to a physical location. If our presumption is incorrect, the legislation is likely to have a greater impact on children than we have outlined below. Given this uncertainty, consideration should be given to clarifying the scope of ‘place’ and limiting it to a physical location given the various Commonwealth acts that deal with online conduct.

2. Children’s executive functions are not fully developed.

Children have underdeveloped emotional regulation and impulse control and are prone to risk-taking behaviour¹. This is demonstrated time and time again by children making poor decisions and intentionally causing offence without fully appreciating the consequences. Some high-profile examples of children causing offence intentionally include:

- 2.1. In 2019 there were multiple episodes of the students at elite boys school St Kevin’s College singing a sexist and misogynistic chant in public in Melbourne.
- 2.2. In 2022, students at elite school Knox Grammar shared racist, homophobic, misogynistic and violent comments in a group message chat.
- 2.3. In 2025, students at the Presbyterian Ladies’ College in WA shared messages containing offensive stereotypes about Aboriginal people.
- 2.4. In 2025 three students at Bonalbo Central School in NSW goosestepped and used the Nazi salute at school.

These students were publicly called out for engaging in this behaviour and were also disciplined by their schools. Children’s engagement in racist, antisemitic, misogynistic or any other type of offensive conduct clearly needs to be addressed. This conduct, however, should not be a criminal offence for a child given their lack of cognitive maturity. Children are heavily

¹ Decision-Making, Emotion and Behaviour Regulation in 18-to-25 Year-Olds: A Neurodevelopmental Perspective, Ms Jody Kamminga & Ors, 2025, published by the Bugmy Bar Book at page 1.

influenced by peers and social pressures, and can be more susceptible to losing control, reacting without thinking, and making poor decisions.² It is foreseeable that a child may recite a prescribed expression in the heat of the moment, and without appreciating its seriousness. This is particularly feasible where the prescribed expression's meaning is not immediately clear to many children in Queensland, such as the phrase "from the river to the sea", which on its surface appears innocuous, belying the sinister connotations of genocide. It is also unlikely that children will be aware of the list of prescribed expressions and may unintentionally breach this section.

YAC suggests that children be excluded from the scope of this section.

3. The threshold for committing the offence is lower than the threshold in the Bill's objectives

The Explanatory Notes state that the objectives of the Bill are to, among other things, "prohibit the use of expressions used to incite discrimination, hostility or violence towards certain groups". The Bill goes further, by outlawing circumstances where the statement of the prohibited expression might reasonably be expected to cause a member of the public *offence*, which is a much lower threshold than inciting hostility or discrimination.

YAC submits that the threshold for the prohibition of expressions be higher than the causing of offence.

4. The search powers are too broad

YAC objects to the amendment of s30 of the *Police Powers and Responsibilities Act 2000 (PPRA)* to include the suspected commission of an offence under s52DA to allow police officers to stop, detain and search a child. As outlined above, this amendment applies to a child calling out a prohibited expression without fully understanding or appreciating its impact, or in the heat of the moment or due to social pressure because of their lack of fully developed executive function.

Further, the activation of a search power upon the making of a statement is inconsistent with the seriousness of the remaining provisions in s30, which largely concern weapons, stolen property, unlawful drugs, the concealment of evidence or harm to a person.

While the power to search already arises under the PPRA when a person displays a prohibited *symbol* (which is also arguably disproportionate for children), a child stating a prohibited *expression* can be distinguished as the child could make the statement impulsively and without thought or understanding of the expression or its consequences.

The Statement of Compatibility justifies the amendment to the search powers by connecting them to the enforcement of the offence, as well as the prevention or reduction of harm. It is not clear how searching a child without a warrant can assist in any of these matters when the powers come into effect during or after the making of a statement in public.

² Decision-Making, Emotion and Behaviour Regulation in 18-to-25 Year-Olds: A Neurodevelopmental Perspective, Ms Jody Kamminga & Ors, 2025, published by the Bugmy Bar Book at page 14.

YAC proposes that children be excluded from this power due to their disproportionate response to a child's words.

5. The law may offend the implied freedom of political communication

YAC suggests that consideration be given to whether the proposed s52AD offends s109 of the Australian Constitution by using the threat of imprisonment to disproportionately restrict communication about government and politics.

Section 52AD burdens the implied freedom of political communication by prohibiting certain political and ideological expressions from being spoken or conveyed in public.

At its lowest threshold, the purpose of s52AD is to prevent a person from making a statement (oral or written), where the statement could reasonably be expected to make a member of the public feel offended. The method of achieving this purpose includes the threat of imprisonment. While the incitement of violence may warrant imprisonment, the proposed amendments threaten imprisonment for causing *offence*, which is arguably disproportionate, and may result in the law being invalid.

For completeness, existing s52A of the Criminal Code arguably achieves the purpose of s52AD but is limited to threatening or inciting physical harm to a person or property. Section arguably 52AD goes too far, and is therefore disproportionate, by including 'offence'.

Adult Crime, Adult Time

YAC objects to the inclusion of the two further offences under the scope of the Adult Crime, Adult Time provisions in the *Youth Justice Act 1991*:

1. Reckless discharge of weapons towards a premises, dwelling or vehicle.

This offence can capture a child's use of weapons that should be used under the supervision of the lawful (adult) owner. The failure of an adult to properly supervise their weapons could lead to a child being given the opportunity to recklessly use a weapon, which does not fit the scope of an adult crime. People in regional and rural areas may be particularly vulnerable to these circumstances with lawful weapons for use in primary industry or farm work providing greater opportunities for reckless use by children due to lack of proper supervision.

2. Unlawful possession and distribution of blueprint material for manufacture of 3D printed firearms.

The possession and distribution of blueprint material by a child is insufficient to meet the threshold of Adult Crime, Adult Time as their interest in the blueprint material would arguably be within the scope of age-appropriate interest or curiosity. The printing of a weapon is another matter, but the mere possession and distribution of plans among, say, a group of curious schoolfriends with no nefarious intentions does not meet the threshold of an 'adult' crime.

Please let us know if you have any questions regarding the above.



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Youth Advocacy Centre