

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

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SUBMISSION TO THE QUEENSLAND PARLIAMENTARY JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Regarding the *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026* (Qld)

Dear Committee Members

I wish to express my horror and sadness at the recent terrorist attack on the Jewish community at Bondi and my admiration for the people from all faiths and walks of life who came to the aid of the Jewish community during and in the immediate aftermath of the attack. I unequivocally condemn all forms of racism, including antisemitism, Islamophobia and racism directed at Indigenous Australians and the Palestinian community, and any related violent extremism.

The *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026* ("the Bill") is the Queensland Government's response to the Bondi attack and to rising antisemitism in Australia. I support the Bill's proposed extension of current provisions of the *Criminal Code 1899* (Qld) proscribing certain "hate symbols" associated with extremist ideologies. I also support the Bill's proposed gun reforms (although with reference to recent killings by so-called "sovereign citizens" in Queensland and Victoria, I believe the proposed restriction of firearms to Australian citizens is an imperfect response to extremist violence).

However, I strongly believe that the Bill's extension of current anti-vilification provisions in the *Criminal Code 1899* (Qld) via the creation of a power to proscribe words and phrases deemed by the responsible Minister to be "hate speech" represents a material threat to democratic freedoms and legitimate political discussion, dialogue and dissent on all manner of subject matters.

My general and specific concerns in relation to the Bill are summarised below.

General concerns

- A. In its current form, the Bill (through new section 52D of the *Criminal Code 1899* (Qld), with the support of additional regulation-making powers in section 52C of the *Criminal Code 1899* (Qld)) will give an extraordinary general power to the responsible Minister to proscribe specific expressions (words or phrases) by way of regulation, where the Minister determines that those expressions are regularly used in public to incite discrimination, hostility or violence towards certain groups. There are no objective criteria for determining what is "regular use". The requirement for the responsible Minister to consult relevant bodies, such as the Queensland Human Rights Commission, is a weak procedural protection only. In short, the threshold for exercising the power is open to subjective considerations and given its potential effect on legitimate political expression, too low.

- B. By comparison, the application of existing and new powers in relation to proscribed symbols is tied expressly to whether symbols are “widely known by the public” as representing ideologies of “extreme prejudice” to a specific group. This is a more objective and narrower test than that proposed to be applied to expressions. The Bill does not explain why this should be the case. I believe that if a power to proscribe expressions is included in the Bill, then the test should be the equivalent to that for proscribed symbols.
- C. If expressions are proscribed in the manner currently contemplated under the Bill, then their public use may attract criminal liability, including where they merely “cause offence” to someone, or where their public use is not actually witnessed by any person. This is the same as for the public use of proscribed symbols, but as noted above, the threshold for proscription in the first place is much higher for proscribed symbols than it is for proscribed expressions. The main issue is that merely causing offence through the public use of a proscribed expression may give rise to criminal liability. While this may be appropriate for expressions such as “*sieg heil*”, which is widely known by the public as representative of an ideology of extreme prejudice to the Jewish community, it may not be appropriate for other expressions that are politically contested.
- D. Needless to say, the exercise of such a power without appropriate legal or judicial safeguards or democratic or public scrutiny is open to abuse by government.
- E. “Hate speech” is currently addressed by the anti-vilification provisions under the *Anti-Discrimination Act 1991* (Qld) and the *Criminal Code 1899* (Qld). The Bill fails to explain why these provisions are insufficient or inadequate to the task of addressing hate speech in Queensland, whether in the context of antisemitism or otherwise.
- F. The Bill also provides no evidence of any inadequacy or shortcoming on the part of current judicial and administrative bodies, with their extensive procedural and evidentiary requirements and safeguards, in determining whether the public use of specific words or phrases constitute hate speech or not.
- G. There is a distinct risk of conflict between the application of the proposed hate speech power with the implied right of freedom of political communication under the Australian Constitution. Such conflict undermines public trust in government.

Fighting antisemitism

- H. As with all other forms of racism, fighting antisemitism is absolutely necessary. However, antisemitism itself is a politically contested concept, including within the Jewish community.
- I. While the Bill (despite its title) is intended to be of general application and does not itself specifically target the Palestinian community or more broadly, people of Islamic faith in Queensland, recent media statements by the Queensland Government regarding the phrases “*from the river to the sea*” and “*globalise the intifada*” provide an instructive example of the deeply flawed and political nature of the proposed power to proscribe specific expressions of political import, were it to be exercised.
- J. Specifically, they conflate legitimate political expression that seeks to educate and advocate for the Palestinian people with antisemitism, terrorism (and the extreme ideologies of groups such as Islamic State or Hamas) and political opposition to Israeli government policy and practice in Gaza and the West Bank. Further, they demonstrate an apparent political intention to limit (if not criminalise) legitimate political expression by the Palestinian community in Queensland and those standing against the

genocide, ethnic cleansing and war crimes committed by the Israeli government against the broader Palestinian community in Gaza and the West Bank.

- K. If the Bill is passed in its current form, the Queensland Government will be making a political choice on behalf of Queenslanders as to how antisemitism should be conceived and interpreted at law, despite its politically contested nature. This choice ignores the historical and political contexts to which phrases such as “*from the river to the sea*” and “*globalise the intifada*” relate. It is incumbent upon the Committee to seek a deeper understanding of these expressions and the genesis of the events (such as the Nakba of 1948 and Palestinian intifadas of 1987-1993 and 2000-2005) to which they refer.
- L. Further, this choice diminishes the deliberate public use of expressions such as “*there are no uninvolved*” (a notorious IDF chant derived from public statements of the Israeli President), “*human animals*” and “*human cockroaches*” by the current Israeli government and its supporters (including in Australia). It is a matter of public record that such expressions, which reflect extremist ideologies and unambiguously constitute hate speech, are intended to dehumanise the innocent men, women and children comprising the broader Palestinian community of Gaza and the West Bank, and through conflation of the broader Palestinian community with Hamas and other terrorist groups, to stifle legitimate political discussion and dialogue not only about Palestinian rights of self-determination, but antisemitism itself. Again, it is incumbent on the Committee to seek a deeper understanding of these matters.
- M. In all respects, any limitation of political expression should be rare and based on cogent, objective reasoning that demonstrates a clear harm to society from such expression. While this would be the case for expressions such as “*sieg heil*”, the same is not true of politically contested expressions such as “*from the river to the sea*” and “*globalise the intifada*”. Rather, the choice appears to be based only on vague, subjective and emotive factors, and specifically, on the fact some people are “offended”.
- N. I do not believe that the Committee’s careful consideration of the above issues diminishes the interests of the Jewish community, the Palestinian community or society at large.

The rushed nature of the Bill, with less than a week for public submissions, is an affront to the democratic process. Legislation that significantly impacts legitimate political expression and through structural and subjective bias, the interests of minority groups, requires deep consultation and understanding, not a rushed public consultation process that undermines the democratic principles of Australian society and fails properly to consider the deeply contextual nature of subject matters such as Palestinian rights and antisemitism.

Respectfully, I call on the Committee to uphold and defend Australia’s democratic foundations by safeguarding the constitutional right to political communication of Queenslanders through a comprehensive review of the Bill’s impact on civil liberties, political participation, social cohesion and the rule of law.