

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

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**Submission By:** Justice for Palestine Magandjin (JFP)  
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## Submission to the Justice, Integrity and Community Safety Committee

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

**Submitted by:**

Justice For Palestine Magandjin

Contact: Remah Naji, Organiser

Email: jfpbrisbane@gmail.com

Phone: [REDACTED]

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#### 1. Who we are

- 1.1 Justice for Palestine Magan-djin (Brisbane) is a broad coalition of grassroots organisations and individuals who support the rights to justice and freedom for Palestinians, inside and outside of Palestine . JFP was formed in January 2009 to organise demonstrations against the Israeli massacre in Gaza. We have continued organising to raise awareness about the Palestinian struggle for liberation and hold the Australian government accountable for its material and political support for Israel's illegal actions against the Palestinian people.
- 1.2 We engage in local protests, rallies, vigils, boycott campaigns, and cultural events in support of the goals of the global Palestinian-led movement to end Israel's occupation and colonisation of Palestinian and Arab lands. We recognise the fundamental rights of Palestinian citizens of Israel for equality, and we respect, protect and promote the right of Palestinian refugees to return.

We strive to create safe and peaceful spaces for our communities to get together whether for political action, or cultural events. We foster an inclusive environment that welcomes people from all walks of life that want to support Palestinian and Palestinians in their struggle for freedom.

Over the past two and a half years, we have organised around 100 peaceful events that saw hundreds of thousands of Queenslanders protest against Israel's genocide in Gaza that has killed at least 70,000 Palestinians including at least 20,000 children. Our biggest protest was on 24th of August 2025 which saw one of the largest protests in Brisbane's history. Queenslanders care about what is happening in Palestine, and care about being able to practice their freedom of expression and freedom of political communication implied in Australia's Constitution.

Speakers and participants in our rallies include people from all backgrounds, religions, ethnicities, genders and sexualities. We have organised alongside our Jewish comrades to oppose violations of international law and human rights principles.

- 1.3 People here have demonstrated similar determination, although generally without the same level of extreme risk. Before stating our opposition to the Bill, it should be pointed out that people here have demonstrated similar determination, although generally without the same level of extreme risk. The historical record demonstrates that **mass movements for justice and rights cannot be legislated out of existence.**

People motivated by a commitment to justice and freedom have never bowed before state repression. Whether in Palestine, the streets of Minneapolis or the city squares of Iran, people will sacrifice individual comfort, employment security, personal liberty and even their physical wellbeing for just causes.

It is no different here. In 1913 and 1914, the streets of Brisbane witnessed a free speech campaign. In attempting to win the right to speak on street corners on Sundays, dozens of people were goaled and at least two engaged in hunger strikes while in prison.

In 1978 and 1979, tens of thousands of Queenslanders defied the ban on street marches. By the end of it, over 2000 people had been arrested, including 418 on one day alone. Many of these people put their careers at risk and some were victimised for their stance.

In the 1985 wave of repression, hundreds were arrested, many of whom were not directly or immediately affected by the anti-union laws which sparked the unrest.

This pattern will be repeated if this legislation passes. Today, a global movement of millions has developed in solidarity with the people of Palestine. It would be extremely shortsighted of any government to believe that by banning certain words, limiting certain rights of assembly or even proscribing certain solidarity organisations, that this movement will end. One slogan in particular exemplifies this unity of purpose: "In Our Thousands, in Our Millions, We Are All Palestinians." Will the Queensland government proscribe that chant too? If it does, the mass solidarity to which that slogan refers will continue. As in the past, censorship will fail.

#### 1.4 **Clarification of the proposed prohibited expressions**

##### 1.4.1 **From the River to the Sea**

A phrase emerged in 1960s to advocate for the equality of all people living in the geographical area of the Jordan River and the Mediterranean Sea. It is a call for freedom from apartheid, freedom from occupation and freedom from oppression.

##### 1.4.2 **Globalise the Intifada**

Intifada is the Arabic word of "Uprising." It is used to express rejection of conditions of life that make it impossible for people to live with dignity. Simply put, it is a reaction to oppression. When chanting globalise the intifada, people are calling for the application of international law and human rights principles.

- 1.4.3 These phrases are political slogans grounded in the history of struggle for liberation and freedom. They are used in the context of advocacy for Palestinian rights, self-determination and equality. Their use depends on context, speaker intent and audience. The drafters of this Bill and the media statements that accompanied its release show a strong attempt to conflate anti-semitism with criticism of Israel and the advocacy of Palestinian human rights. This is not only a false rationale, it also exposes the real motivation behind the Bill: Protecting Israel from legitimate criticism.

## 2. **Our position on the bill**

- 2.1 JFP takes concern with the practical implications of a number of the proposed amendments made by the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (the Bill)*. In addition, it is JFP's view that these proposed amendments are inconsistent and incompatible with human rights, pursuant to the *Human Rights Act 2019 (HR Act)*.
- 2.2 JFP outlines its concerns in relation to each specific clause of the proposed bill below.

### **Clause 4**

- 2.3 Clause 4 concerns amendment of s 52C (Prohibited symbols). In accordance with Clause 4:

- (a) Subsection 1 of the clause amends the heading of section 52C to 'Prohibited symbols and expressions'.
  - (b) Subsection 2 of the clause replaces the word 'section' with the word 'subsection' in section 52C(1)(a).
  - (c) Subsection 3 of the clause inserts new section 52C(1)(aa) 'used by a prescribed organisation, or a member of a prescribed organisation, to identify the organisation or any part of the organisation; or'.
  - (d) Subsection 4 of the clause amends section 52C(1)(b) by omitting the words from 'referred' onwards and inserting the words 'or image mentioned in paragraph (a) or (b) that it is likely to be confused with or mistaken for that symbol or image.'
  - (e) Subsection 5 of the clause renumbers sections 52C(1)(aa) and (b) as 52C(1)(b) and (c).
  - (f) Subsection 6 of the clause inserts new subsection (1A) to section 52C. Section 52C(1A) states that a 'prohibited expression' is an expression prescribed by regulation for this subsection, or that so nearly resembles such an expression that it is likely to be confused with or mistaken for that expression.
  - (g) Subsection 7 of the clause omits section 52C(2)(a) and replaces it with a new section 52C(2)(a) that provides the relevant regulation must prescribe the symbol or image as a graphic representation of the symbol or image, or a description of the symbol or image, or a combination of these matters.
  - (h) Subsection 8 of the clause amends section 52C(3) by omitting the words from 'subsection (1)(a)' to 'image' and inserting the words 'subsection (1)(a) or (1A)(a) only if the Minister is satisfied the symbol or image, or expression'.
  - (i) Subsection 9 of the clause amends section 52C by inserting subsection (3A). Section 52C(3A) provides the Minister may recommend to the Governor in Council the making of a regulation under subsection (1A)(a) only if the Minister is satisfied the expression is regularly used to incite discrimination, hostility or violence towards a relevant group.
  - (j) Subsection 10 of the clause amends section 52C(4) by omitting the words from 'Also' to 'the recommendation,' and inserting the words 'In addition, before recommending to the Governor in Council the making of a regulation under subsection (1)(a) or (1A)(a), the Minister must'.
  - (k) Subsection 11 of the clause amends section 52C(5) by inserting a definition of 'prescribed organisation' by reference to section 52CA.
- 2.4 JFP takes concern with a number of the implications contained in clause 4 generally, much of which is largely based on the discretionary power of this clause. In particular, it raises concerns as to:
- (a) The determination of a prescribed organisation
  - (b) The determination of a protected symbol and expression
  - (c) Determination of a relevant group.
- 2.5 These terms have not yet been defined and further will be prescribed under regulation. The terms are effectively the operative provisions of the offences, and are therefore of significant relevance to the sections being agreed upon. In circumstances where a bill is being passed which seeks to criminalise acts that have not yet been set out, we consider this is contrary to section 4(4)(c) of the *Legislative Standards Act 1992 (LSA)*, which provides that a Bill must have sufficient regard to the institution of Parliament and should only authorise the amendment of an Act by another Act. A practical implication of this as well, is that there will be little input

into these terms, which will be susceptible to political influence as well as general misunderstanding.

- 2.6 JFP has often criticised the actions of the Israeli government. The proposed amendments, including the discretionary power to conflate Judaism with the Israeli Government and Zionism carries frightening consequences.
- 2.7 More generally, the cumulative effect of this clause concerns JFP for its potential to:
- (a) Limit the rights and liberties of individuals pursuant to section 4 of the LSA;
  - (b) Limit the right to peaceful assembly and freedom of association pursuant to the HR Act;
  - (c) Limit the right to freedom of expression pursuant to the HR Act.
- 2.8 Lastly, it is JFP's belief that existing legislative frameworks already achieve the purpose of the bill, in a way which is less restrictive on human rights and which is reasonably available. Namely, section 124A of the Anti-Discrimination Act 1991 (**AD Act**) already makes unlawful the act of vilification on grounds of race, religion, sexuality, sex characteristics or gender identity. The section states that "*a person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality, sex characteristics or gender identity of the person or members of the group.*" Relevantly, a public act is defined as follows:
- (a) *includes—*
    - (i) *any form of communication to the public, including by speaking, writing, printing, displaying notices, broadcasting, telecasting, screening or playing of tapes or other recorded material, or by electronic means; and*
    - (ii) *any conduct that is observable by the public, including actions, gestures and the wearing or display of clothing, signs, flags, emblems or insignia; but*
  - (b) *does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter.*
- 2.9 The ambit of this section is sufficiently comprehensive to cover any concerns of antisemitic acts.
- 2.10 Further, the existing provisions under chapter 7A of the Criminal Code adequately address the concerned conduct. In particular, section 52A of the Criminal Code makes it a criminal offence for a person to, by public act, "*knowingly or recklessly incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality, sex characteristics or gender identity of the person or members of the group in a way that includes—*
- (a) *threatening physical harm towards, or towards any property of, the person or group of persons; or*
  - (b) *inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.*"

### **Clause 5**

- 2.11 Clause 5 concerns the insertion of a new section 52CA titled prescribed organisations. It provides that:
- (a) The clause states that a 'prescribed organisation' is an entity prescribed by regulation for this section (section 52CA(1)).

- (b) New section 52CA(2) provides that the Minister may recommend to the Governor in Council the making of a regulation under subsection (1) only if the recommendation is to prescribe a particular state sponsor of terrorism or terrorist organisation, or a class of state sponsors of terrorism or terrorist organisations, or all state sponsors of terrorism or terrorist organisations.
  - (c) New sections 52CA(3) and (4) provide that if the Minister prescribes an entity as a prescribed organisation and the entity stops being a state sponsor of terrorism or a terrorist organisation, the entity stops being a prescribed organisation.
  - (d) New section 52CA(5) defines the term 'state sponsor of terrorism' to mean a state sponsor of terrorism as defined in the Criminal Code (Cwlth), section 110.3(1); and the term 'terrorist organisation' to mean an organisation mentioned in the Criminal Code (Cwlth), section 102.1(1), definition terrorist organisation, paragraph (b).
- 2.12 JFP takes significant concern with the discretionary power, which carries significant consequences, can be applied without proper regard to the structure of the organisation. JFP is a group of volunteers who organise lawful, peaceful protests in Brisbane. JFP invites speakers to speak at these rallies. Whilst care is taken in selection of these speakers, there is practically no ways in which JFP organisers can stop or control a speaker as to what they choose to say. Similarly, while JFP encourages the peaceful participation of protest attendees, they have no control over the actions of the attendees.

## **Clause 6**

- 2.13 Clause 6 concerns an amendment of section 52D, which relates to the display, distribution, or publication of prohibited symbols. It provides that:
- (a) Subsection 1 of this clause amends the heading of section 52D to 'Distribution, publication or display of prohibited symbols' (subsection 1).
  - (b) Subsection 2 of this clause omits section 52D(1) and replaces it with a new section 52D(1). New section 52D(1) provides that this section applies to a person if the person publicly distributes, publishes or publicly displays a prohibited symbol in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended.
  - (c) For a relevant prohibited symbol (which is defined in a limited way in subsection 5 of the clause as symbols used to identify a prescribed organisation or similar symbols), the section only applies if, in addition to the above, the person knew or ought reasonably to have known when the person distributed, published or displayed the symbol, that the symbol was used by a prescribed organisation or a member of a prescribed organisation to identify the organisation or any part of the organisation.
  - (d) Further, subsection 2 inserts section 52D(1A). Section 52D(1A) provides that the person commits an offence, unless the person has a reasonable excuse. The maximum penalty for this offence is 150 penalty units or 2 years imprisonment.
  - (e) Subsections 3 and 4 of the clause update references within section 52D to reflect the new numbering within the section.
  - (f) Subsection 5 of the clause inserts new subsection 6. Section 52D(6) defines, for the purposes of this section, the term 'relevant prohibited symbol' to mean a prohibited symbol mentioned in section 52C(1)(b), or a prohibited symbol mentioned in section 52C(1)(c) that so nearly resembles such a symbol that it is likely to be confused with or mistaken for that symbol; and the term 'prescribed organisation' by reference to section 52CA.
  - (g) Subsection 6 of the clause renumbers sections 52D(1A) to (6) as 52D(2) to (7).

- 2.14 There is inconsistency between the wording of clause 4, which refers to a relevant group in determining what is a prohibited symbol, and the wording of clause 6, which refers to displaying in a way that “might reasonably be expected to cause a member of the public to feel menaced, harassed or offended”. By limiting the classification of the prohibited symbol to that which is relative to a relevant group, the “member of public” test is in practice limited to members of that relevant group. The test in reality is therefore one of subjective assessment rather than a “reasonable person” test.
- 2.15 Australian courts have recently seen the implication of a subjective assessment in a matter involving allegations made against a woman with disability who inadvertently dialled a woman's phone, and that woman alleged that she heard sounds resembling gunshots, which she reported to police as perceived antisemitic harassment. The charges have since been dropped, but the costs and expenditure of resources ought to serve as significant deterrence to a legislative provision which allows such sweeping powers and potential criminal implications over subjective reporting and perceptions.
- 2.16 The broad ambit of “display, distribution, or publication” is also such that there is uncertainty as to the timing of when the operative element of an offence took place, and is so broad as to unfairly operate against individuals in an almost retrospective manner, including:
- (a) Sharing photographs of placards from protests, such photos being taken prior to the legislative commencement, but shared after;
  - (b) Maintaining photographs on publicly accessible pages, such as Facebook and Instagram, despite the photographs being posted prior to the legislative commencement;
  - (c) Continuing to display symbols on clothing, accessories, bags, stickers, and even tattoos, which were purchased or obtained prior to the legislative commencement.
- 2.17 JFP additionally repeats and relies on the submissions made in paragraphs 2.7 to 2.10 above in relation to clause 4, namely as concerns:
- (a) Incompatibility with the LSA;
  - (b) Incompatibility with the HR Act;
  - (c) Necessity in light of existing and adequate legislative frameworks contained within the AD Act and the Criminal Code.

## **Clause 7**

- 2.18 Clause 7 inserts section 52DA, titled ‘Recital, distribution, publication or display of prohibited expressions’. It provides that:
- (a) New section 52DA(1) provides that a person who publicly recites, publicly distributes, publishes or publicly displays a prohibited expression in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended commits an offence, unless the person has a reasonable excuse. The maximum penalty for this offence is 150 penalty units or 2 years imprisonment.
  - (b) New section 52DA(2) provides that without limiting what may be a reasonable excuse for subsection (1), a person has a reasonable excuse if, either, the person engaged in the conduct that is alleged to constitute the offence for a genuine artistic, religious, educational, historical, legal or law enforcement purpose, or the person engaged in the conduct that is alleged to constitute the offence for a purpose that is in the public interest; and the person's conduct was, in the circumstances, reasonable for that purpose.
  - (c) New section 52DA(3) states that an evidential burden is placed on the defendant in relation to showing a reasonable excuse for subsection (1).

- (d) New section 52DA(4) provides that for subsection (1) a person publicly recites or publicly displays a prohibited expression if the person recites or displays the expression in a place that the public is entitled to use, is open to members of the public or is used by the public, whether or not on payment of money, or in a place the occupier of which allows, whether or not on payment of money, members of the public to enter; or recites or displays the expression in a way that is audible or visible from such a place.
  - (e) New section 52DA(5) declares that for subsection (1) the offence is committed at the time when the person recites, distributes, publishes or displays the prohibited expression, and it is irrelevant whether or not a member of the public has heard or seen the prohibited expression because of the recital, distribution, publication or display.
  - (f) New section 52DA(6) defines, for the purposes of this section, the term 'prohibited expression' by reference to section 52C(1A).
- 2.19 As with clause 6, clause 7 similarly has inconsistency with clause 4, the practical effect of which is a test based on subjective assessment with reference to the "relevant group" rather than a "reasonable person" test.
- 2.20 Further, the cumulative effect of the new sections 5DA(1) and (3) impose a reversal of the onus of proof on the defendant. This in turn overrides the presumption of innocence.
- 2.21 The new subsection 52DA(5) also causes JFP particular concern, noting that it is irrelevant whether or not a member of the public has heard or seen the prohibited expression because of the recital, distribution, publication or display. It is assumed and hoped that in the criminal jurisdiction, proving the alleged conduct took place to the requisite standard of proof (beyond reasonable doubt), would require actual evidence of the alleged expression being used. However, for the offence to be reported and possibly also charged, no such evidence is needed. This could, in effect, lead to various vexatious and unfounded allegations made in attempts to stifle peaceful protests conducted by JFP.
- 2.22 JFP additionally repeats and relies on the submissions made in paragraphs 2.7 to 2.10 above in relation to clause 4, namely as concerns:
- (a) Incompatibility with the LSA;
  - (b) Incompatibility with the HR Act;
  - (c) Necessity in light of existing and adequate legislative frameworks contained within the AD Act and the Criminal Code.

### **Clauses 19 and 20**

- 2.23 Clauses 19 and 20 amend sections 30 and 32 of the PPRA respectively, such that prescribed circumstances for searching a person and/or a vehicle without a warrant, include circumstances where a person has committed, or is committing, an offence under new section 52DA of the criminal code, being recital, distribution, publication or display of prohibited expressions.
- 2.24 It is critical that sections 30 and 32 of the PPRS are read in conjunction with sections 29 and 31 respectively, such sections being the actual operative provisions which afford the power to conduct the searches. These sections provide that *"a police officer who reasonably suspects any of the prescribed circumstances for searching a person without a warrant exist may, without warrant, do any of the following..."*
- 2.25 These amendments are in flagrant breach of section 4(3)(e) of the *Legislative Standards Act 1992*, by conferring warrantless search or seizure powers. The Human Rights Compatibility Statement refers in vague terms of justification on grounds of efficient enforcement of the offence. The statement lacks in any detailed justification and JFP considers that the nature of



the offences being prescribed under these sections, being offences which do not preset any immediate physical engagement to individuals, are not such that a suspicion of their commission warrants the significant deprivation of an individual's right to privacy, and especially on the basis of suspicion alone. There are thousands of members of the public who attend peaceful protests arranged by JFP. On the current wording of the proposed legislative amendments, all of these individuals can be exposed to police searches without warrants.

2.26 These amendments will also significantly compromise rights of individuals including:

- (a) the right to property;
- (b) the right to privacy.

### **3. Conclusion and practical recommendations**

- 3.1 It is JFP's view that the proposed bill was rushed in its preparation, and formulated on the basis of limited community consultation.
- 3.2 This has had the resultant effect outlined in our submissions above as to the specific clauses. Put simply, the proposed amendments are too broad, restrictive, contrary to citizens' rights and liberties, and unnecessary in light of adequate existing legislative framework.
- 3.3 JFP recognises that our Government's commitment to the safety of all citizens is of the utmost importance, and JFP supports in principle the notion of regular review of existing legislation to ensure this duty is upheld.
- 3.4 In order to do so, however, proposed bills, particularly ones which impose such serious implications, must be drafted with care and precision, without ambiguity, and be informed by wide and meaningful community consultation.
- 3.5 The bill as currently drafted should therefore not be passed.
- 3.6 The bill should be amended following extensive and diverse community consultation, and the areas of concern outlined in our submission ought to be amended.