

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

Submission No: 295
Submission By: Office of the Special Envoy to Combat Antisemitism
Publication: Making the submission and your name public

19 February 2026

Justice, Integrity and Community Safety Committee
Parliament of Queensland
George Street
Brisbane Qld 4000
by email: JICSC@parliament.qld.gov.au

Dear Committee

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

Thank you for the opportunity to make a submission to the Committee's review of the 'Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026' (the **Bill**).

On 9 July 2024, Jillian Segal AO was appointed as Australia's Special Envoy to Combat Antisemitism (**ASECA**). The [Terms of Reference](#) of Ms Segal's appointment include providing advice to Government to inform policy development, legislation and other measures that will combat antisemitism, and social cohesion factors that drive the behaviour.

ASECA has had the benefit of reviewing in draft the submission made by the Queensland Jewish Board of Deputies (**QBJD**) endorses that submission. In addition, ASECA makes the following remarks and recommendations.

The below recommendations refer to, and build upon, analysis of similar issues set out in:

- ❖ ASECA's submission to the New South Wales 'Review of criminal law protections against the incitement of hatred' conducted by the Hon John Sackar AM KC (**ASECA's submission to the Sackar review**);¹
- ❖ The ECAJ's submission to the Parliamentary Joint Committee on Intelligence and Security 'Review of the Exposure Draft Legislation: Combatting Antisemitism, Hate and Extremism Bill 2026 (Cth)' (**ECAJ's submission to the PJCIS Review**), into which ASECA had substantial input, and which ASECA endorsed;²
- ❖ ASECA's submission to the New South Wales Legislative Committee on Law and Safety Review of 'Measures to prohibit slogans that incite hatred' (**ASECA's submission to the LCLS Review**);³ and

¹ The submission is available at: NSW Department of Communities and Justice, '[Review of criminal law protections against the incitement of hatred](#)'.

² The submission is available at: Parliament of Australia, Parliamentary Joint Committee on Intelligence and Security '[Review of the Exposure Draft Legislation: Combatting Antisemitism, Hate and Extremism Bill 2026 \(Cth\)](#)'.

³ The submission is available at: Parliament of New South Wales, '[Measures to prohibit slogans that incite hatred](#)'.

- ❖ ECAJ's submission to the LCLS Review, which ASECA endorsed (**ECAJ's submission to the LCLS Review**).⁴

The ASECA Office commends these submissions to the Committee for its consideration.

1. Introduction & Executive summary of recommendations

On 8 February 2026, the Queensland Government announced its intention to deliver a "*strong and considered*" response to the antisemitic terrorist attack at Bondi Beach. Premier Crisfaulli described the legislative package as being about "*drawing a clear line and stamping out the embers of hatred that were allowed to burn unchecked for too long to ensure we protect Queenslanders*".⁵

The Envoy commends the Queensland Government's resolve to address the promotion of hatred and violence, including the escalation of antisemitic hatred against Jewish Australians.

Whilst the Committee has invited submissions on "*any aspect*" of the Bill, this submission addresses Part 2 of the Bill, in particular the aspects which are relevant to ASECA's Terms of Reference.

ASECA makes the following recommendations, noting the truncated timeframe for consultation. That is, the Bill was introduced to Parliament on Monday 10 February 2026, and referred to the Committee on that date.

The Bill is 77 pages, and the explanatory materials are 47 pages. The Bill operates to amend numerous provisions of the *Criminal Code*. The indicative amended copy of the *Criminal Code* was published by the Office of the Queensland Parliamentary Counsel on Friday 13 February 2026. Submissions were required by 10am, Tuesday 17 February 2025, and the Committee's hearings took place on 19 February 2026.

Executive summary of recommendations

The Bill endeavours to address the promotion of hatred (including antisemitism) and terrorist ideologies, by a suite of reforms to existing provisions, and the introduction of new offences. Part 2 of the Bill proposes slight amendments to the existing serious vilification offence, an expanded framework for prohibited symbols and a new framework for certain expressions to be prescribed by regulation. Part 2 also proposes amendments to the existing offences against ministers of religion, and a new offence of intimidating or obstructing persons accessing or leaving a place of worship.

The proposed reforms are a positive step forward, however there are significant shortcomings which require further reform. Foremost, the serious vilification offence must be strengthened to ensure it does not fall behind the corresponding provisions in Victoria, New South Wales and Western Australia. Further, the framework for prohibited symbols and expressions requires reform to ensure that symbols and expressions which promote violence or hatred are dealt with effectively.

Part 2 of the Bill also proposes reforms to existing offences concerning conduct against ministers of religion, and proposes a new offence prohibiting conduct that intimidates or obstructs persons entering or leaving places of religious worship, for the purpose of attending a meeting of persons assembled for religious worship.

The proposed amendments are sound, however again suffer shortcomings. For instance, the offence of intimidating/obstructing persons attending places of worship must be broadened to include attendance at places of worship for other faith-based purposes, and attendance at other faith-based institutions, such as faith-based childcare centres, schools, hospitals, aged-care centres, cemeteries, museums, community centres and businesses.

⁴ The submission is available at: Parliament of New South Wales, '[Measures to prohibit slogans that incite hatred](#)'.

⁵ ABC, '[Queensland government announces hate speech reforms including banned slogans and symbols](#)', 8 February 2026.

Finally, the Bill proposes to increase the penalty for wilful damage of places of worship. Whilst the proposal is sound, the penalties require further strengthening in view of the corresponding New South Wales offence provisions.

For these reasons, ASECA makes the following recommendations.

2.1 Serious vilification; prohibited symbols and expressions

Serious vilification offence (see [2.1.2(A)] below)

- i. The ‘*means*’ requirement should be removed, that is, the requirement to prove that the conduct incited hatred in a way that includes threatening physical harm, or inciting others to threaten physical harm.⁶ The ‘*means*’ requirement fundamentally fails to recognise that the promotion of hatred on the basis of a protected attribute inherently causes harm. Similar to the Victorian model, conduct which involves a threat of harm should be dealt with under a separate offence provision.
- ii. The term “*incite*” should be replaced with the term “*promote*”, to ensure the offence provision operates effectively to prohibit conduct which promotes hatred on the basis of a protected attribute.
- iii. The definition of ‘*public act*’ should specifically include premises to which the public have access as of right or by invitation, irrespective of whether a fee is paid, to ensure that conduct which promotes hatred amongst a limited number of persons is not artificially excluded from the scope of the provision.
- iv. The offence provision should specifically include the protected attributes of ‘*ethnicity*’ and ‘*nationality*’, albeit that those attributes are picked up within the definition of ‘*race*’ under the *Anti-Discrimination Act*.

‘Prohibited symbols’ (see [2.1.2(B)] below)

- i. The requirement to prove that the display of the prohibited symbol “*might reasonably be expected to cause a member of the public to feel menaced, harassed or offended*” should be removed. A requirement of this kind distracts the focus of the offence provision, and may hinder its effective operation.
At a minimum, the term “*member of the public*” should be replaced with “*member of the targeted group*”, to narrow the focus of this provision and ensure that the harm caused by the relevant conduct is considered with respect to the relevant targeted group.
- ii. The prohibition of symbols that “*so nearly resemble*” prohibited symbols that they are “*likely to be confused with, or mistaken for*” those symbols, should be broadened to ensure that the legislative intention is not circumvented by symbols which, in all of the circumstances, plainly promote or demonstrate support for prescribed terrorist organisations.
- iii. The definition of “*public place*” should be broadened to include premises to which the public have access as of right or by invitation (see reasons above).
- iv. The scope of the reasonable excuse exception should be clarified by way of statutory examples or published guidance.
- v. The penalty should be strengthened to be commensurate with the corresponding Commonwealth offence provision.

⁶ [Criminal Code \(QLD\)](#), s 52A(1)(a),(1)(b).

'Relevant prohibited symbols' (see [2.1.2(C)] below)

- i. The definition of '*relevant prohibited symbol*' and '*prescribed organisation*' should promote consistency between Commonwealth and Queensland regimes. This might be enhanced by broadening the provision to include all prohibited organisations under the Commonwealth *Criminal Code*, not merely terrorist organisations and state sponsors of terrorism.
- ii. The requirement to prove knowledge (or constructive knowledge) that the symbol is prescribed, should be removed. The relevant policy objective – ensuring the law is known and ascertainable – might be achieved by published guidance, including a list of symbols which fall within the scope of the provision.

'Prohibited expressions' (see [2.1.2(D)] below)

- i. The test for whether an expression may be prescribed as a '*prohibited expression*' should turn on whether the expression promotes violence or hatred (in particular, against a person or group on the basis of a protected attribute), which is the relevant harm caused by the expression.
It should not be relevant whether an expression is – or is widely known to be – representative of a particular ideology. Further, it should be irrelevant whether or not the expression is used regularly.
- ii. The term "*prohibited expression*" should be defined with sufficient breadth to ensure that the legislative intention is not circumvented by similar conduct which conveys an equivalent message, for instance, by changing certain words or supplanting certain words with pictures.
- iii. Ideally, all conduct which promotes hatred or violence against a targeted group – including by particular expressions – would be addressed within the existing serious vilification offence (section 52A of the *Code*).
- iv. Further, the Government should also consider introducing a new strict liability offence which prohibits all conduct that '*promotes, justifies, advocates, calls for, glorifies or celebrates the use of violence, destruction or death*'. This offence should apply irrespective of whether it is directed against an individual or group on the basis of a protected attribute. The offence should also be completed by clear, authoritative guidance, published by QLD Police and overseen by the Attorney-General, concerning the scope of the offence provision.

2.2 Offences against ministers of religion and places of worship

Intimidating or obstructing persons entering or leaving places of religious worship (see [2.2.2] below)

- i. The protections for individuals accessing or leaving a place of worship must be broadened to include attendance for faith-based purposes other than worship. Further, the provisions should extend protection to other faith-based institutions, such as faith-based childcare centres, schools, hospitals, aged-care centres, cemeteries, museums, community centres and businesses. This is fundamental to ensure that all Australians can engage with their faith free of intimidation or harassment.
- ii. The '*reasonable excuse*' exception should be supplemented with statutory examples (for instance, roadworks or utility repairs) to demonstrate the scope of the exception.
- iii. The scope of protection "*in the vicinity of*" places of worship should be clarified with statutory examples. The protections should certainly extend to demonstrations which are nearby however do not directly hinder access to the place of worship, for instance, those situated on the opposite side of the road.

- iv. Finally, the protections should be broadened to include conduct which may deter an individual from attending a place of worship, following the model of the safe access zone provisions enacted for reproductive health clinics.

Wilful damage of places of religious worship (see [2.2.3] below)

- i. The penalty for wilful damage of places of worship should be further strengthened, in view of the operation of corresponding New South Wales provisions.

Finally, ASECA recommends that the Bill be subject to a statutory review within 2 years, which will facilitate a close analysis of the effectiveness of its operation, and highlight where further reform is required.

ASECA anticipates that the above recommendations will strengthen and enhance the proposed reforms, and assist to achieve the legislative intention to “stamp out antisemitism and terrorist extremism” and bolster safety around places of worship.⁷

1.2 The escalation of antisemitism and extremist ideologies

In the two years following the terrorist attacks in Israel on 7 October 2023, there has been a significant escalation of antisemitic hatred, and anti-Jewish incidents, right across Australia.⁸ In the two months after 7 October 2023, there was a 738 per cent rise in anti-Jewish incidents (not including online antisemitism).⁹ In the year ending October 2024, there was a 316 per cent rise compared to the year prior.¹⁰ In the year ending October 2025, there were 1,654 recorded antisemitic incidents.¹¹ Whilst a slight decrease from the year prior, the overall total remains at three times the total of any year prior to October 7, 2023.¹²

In Queensland, between 2022 and 2025, there has been a significant increase of anti-Jewish incidents.¹³ This has included hateful, intimidatory and violent conduct directed against Jewish Australians. Some recent examples include:

- Between November and December 2024, the front window of a home in Brisbane, an individual displayed a neon sign stating [REDACTED] [REDACTED]¹⁴
- In February 2025, a Year 9 Jewish student at an inner-Brisbane state high school was told by a classmate to [REDACTED] [REDACTED]¹⁵
- In May 2025, a Jewish man attempted to enter a hotel venue in Brisbane which was holding a Jewish religious event. Protesters came within 15 cm of his face, and shouted that he was a [REDACTED] [REDACTED] and he should be ashamed of himself, and that [REDACTED] [REDACTED]¹⁶

At the same time, there has been a proliferation of hateful, violent and intimidatory language, imagery and symbols, directed at Jewish Australians and other minority groups, in both the online and offline

⁷ See, Queensland Government, Joint Statement of Premier and Minister for Veterans, The Honourable David Crisafulli, and Attorney-General and Minister for Justice and Minister for Integrity, The Honourable Deb Frecklington, [‘Reforms to fight antisemitism and hate and protect faith communities’](#), 8 February 2026.

⁸ See, Julie Nathan, Executive Council of Australian Jewry, [‘ECAJ Report on Anti-Jewish Incidents in Australia 2024’](#) (ECAJ, 2024 Anti-Jewish Incidents Report); Julie Nathan, Executive Council of Australian Jewry, [‘ECAJ Report on Anti-Jewish Incidents in Australia 2025’](#) (ECAJ, 2025 Anti-Jewish Incidents Report). See also, submissions to this Inquiry by the Queensland Jewish Board of Deputies and Executive Council of Australian Jewry.

⁹ That is, in the period October – November 2023, as compared to the same period the year prior. See, Julie Nathan, Executive Council of Australian Jewry, [‘Preliminary statistics concerning surge in antisemitic incidents following Hamas atrocities in Israel on 7 October 2023’](#), p 2.

¹⁰ See, ECAJ, [2024 Anti-Jewish Incidents Report](#), p 1.

¹¹ See, ECAJ, [2025 Anti-Jewish Incidents Report](#), p 1. This comprises only antisemitic assaults, vandalism, abuse, messages (which convey hatred, menace or violence), graffiti and posters, in accordance with the narrow criteria adopted by the Executive Council of Australian Jewry (ECAJ). See, ECAJ, [2025 Anti-Jewish Incidents Report](#), pp 4-5.

¹² See, ECAJ, [2025 Anti-Jewish Incidents Report](#), p 1.

¹³ See, submissions to this Inquiry by the Queensland Jewish Board of Deputies. See also, Julie Nathan, [Report on Antisemitism in Australia 1 October 2022 – 30 September 2023](#) (Executive Council of Australian Jewry) ([2023 Antisemitism Report](#)), and the reports cited at footnote 6, above.

¹⁴ See, ECAJ, [2025 Anti-Jewish Incidents Report](#), p 20.

¹⁵ See, ECAJ, [2025 Anti-Jewish Incidents Report](#), p 11.

¹⁶ See, ECAJ, [2025 Anti-Jewish Incidents Report](#), p 8.

arenas.¹⁷ This has included chants, such as “*globalise the intifada*”, [REDACTED] [REDACTED] “*from the river to the sea*” and [REDACTED] [REDACTED]

It has also included symbols and imagery, such as the symbols of prescribed terrorist organisations and other groups which promote hatred against minority groups, as well as symbols and imagery which demonstrate support for those organisations or the ideologies they promote. For example:

- In January 2025, leaflets stating “*Australia for the White Man*” were distributed in several Brisbane suburbs.¹⁸
- In October 2024, at a rally in Sydney, individuals displayed green and gold flags (the colours associated with Hezbollah – a listed terrorist organisation), a yellow and green flag showing Ned Kelly clutching a rifle and stating [REDACTED] [REDACTED], and portraits of (then) Iranian Supreme Leader Ayatollah Ali Khamenei.

Expressions and symbols which promote violence or prescribed terrorist organisations (or the ideologies they represent) must not be permitted under Australian law. All conduct which promotes hatred or violence directly contradicts and undermines the Australian values of peaceful co-existence, mutual respect and common decency. The threat posed by conduct of this kind, and the failure of existing offence provisions to address it adequately, has been addressed by submissions made on behalf of the Australian Jewish community for some time.¹⁹

This failure to address deficiencies in the law, and the consequential absence of enforcement of existing provisions, has for decades – but especially in the last two years – facilitated an environment of permissive tolerance of violent and hateful rhetoric in our nation. This has inevitably led to violence and ultimately, mass murder of innocent Australians. This must be addressed. The boundaries of acceptable conduct must be set clearly, and unequivocally, to restore the safety of all Australians, and to assist us to rebuild the community cohesion and the vibrancy of our democracy.

Importantly, it must be understood that prohibiting the promotion of violence or hatred does not unduly circumscribe freedom of expression, or the implied freedom of political communication. Robust debate is foundational to the vibrancy of our democracy, and must be safeguarded. However, so too are our Australian values of peaceful co-existence, mutual respect and common decency.

The incitement of violence against fellow Australians has always been against the law in Australia and is contrary to Australian values. The legal system has failed to address adequately conduct which promotes violence or hatred implicitly, or with a degree of ambiguity. The Queensland Government must provide clarity.

¹⁷ With respect to online antisemitism, see, eg, reports published by the Online Hate Prevention Institute, available at <https://ohpi.org.au/>.

¹⁸ See, ECAJ, [2025 Anti-Jewish Incidents Report](#), p 31.

¹⁹ See, eg:

NSW Law Reform Commission, ‘*Serious racial and religious vilification*’ (Bathurst review), [Submission](#) by NSW Jewish Board of Deputies dated 19 April 2024, and [Supplementary submission](#) by NSW Jewish Board of Deputies dated 28 June 2024; Senate Legal and Constitutional Affairs Legislation Committee, ‘*Inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024*’, [Submission](#) by the Executive Council of Australian Jewry dated 29 October 2024; [Response to Questions on Notice](#) by the Executive Council of Australian Jewry dated 12 December 2024.

NSW Communities and Justice, ‘*Review of criminal law protections against the incitement of hatred*’, [Submission](#) by Australia’s Special Envoy to Combat Antisemitism; [Submission](#) by Executive Council of Australian Jewry; [Supplementary Submission](#) by Australia’s Special Envoy to Combat Antisemitism.

2. Recommendations: Part 2 of the Bill

Part 2 of the Bill proposes various amendments to the *Criminal Code*,²⁰ including with respect to prohibited symbols, prescribed organisations, and prohibited expressions. Part 2 also contains further amendments with respect to offences against ministers of religion and places of worship. ASECA welcomes these amendments, with qualification, and subject to the comments and recommendations below.

2.1 Serious vilification offence; prohibited symbols and expressions

2.1.1 The current framework

Chapter 7A of the *Code* prohibits serious vilification and the public display, distribution or publication of '*prohibited symbols*'. The Minister may prescribe by regulation symbols or images as '*prohibited symbols*', subject to certain requirements.

Chapter 7A was first introduced into the *Code* in October 2023.²¹ On 29 April 2024, the Nazi Hakenkreuz was prescribed as a prohibited symbol.²² On 13 February 2026, a further thirteen symbols were prescribed,²³ including three Nazi-related symbols and ten symbols linked to groups listed by the federal government as terrorist organisations or as a state sponsor of terrorism.²⁴

The Commonwealth provisions also apply in Queensland, and prohibit the public display of the following prohibited symbols:

- prohibited Nazi symbols, that is, the Nazi Hakenkreuz and Nazi double-sig rune in certain circumstances;²⁵
- prohibited organisation symbols, that is, symbols that a terrorist organisation, prohibited hate group, or state sponsor of terrorism, or a member of those organisations, uses to identify the organisation or any part of it;²⁶ or
- something that so nearly resembles the above that it is likely to be confused with, or mistaken for, that thing.²⁷

2.1.2 The proposed framework

2.1.2(A) Serious vilification offence

The Bill proposes to broaden the protected attributes within the serious vilification offence, and amends the definition of '*public act*', but does not otherwise amend the offence provision.²⁸

(i) The 'means' requirement should be removed

Foremost, ASECA recommends that Parliament remove the '*means*' requirement, that is, the requirement to prove that the conduct incited hatred in a way that includes threatening physical harm, or inciting others to threaten physical harm towards, or towards any property of, the targeted person or group.²⁹

The '*means*' requirement fails to recognise that the promotion of hatred on the basis of a protected attribute inherently causes harm, irrespective of whether it also includes a threat of physical harm. The New South Wales, Victorian and Western Australian serious vilification offences do not include any requirement of this kind. Similar to the Victorian model, threatening physical harm, or inciting others to threaten physical harm, should form a standalone offence.³⁰

²⁰ *Criminal Code (QLD)*, Schedule 1 to the *Criminal Code Act 1899 (QLD)*.

²¹ See, Queensland Parliament, *Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023 (QLD)*, Clause 12.

²² See, *Criminal Code (Prohibited Symbols) Regulation 2024*, Subordinate Legislation 2024 No. 39 (QLD).

²³ See, *Criminal Code (Prohibited Symbols) Regulation 2024 (QLD)*.

²⁴ See, ABC, '*More than a dozen hate symbols banned in Queensland antisemitism crackdown*', 15 February 2026.

²⁵ *Criminal Code (Cth)*, s 80.2E(2); 80.2H.

²⁶ *Criminal Code (Cth)*, s 80.2E.

²⁷ *Criminal Code (Cth)*, s 80.2E.

²⁸ *Criminal Code (QLD)*, s 52A.

²⁹ *Criminal Code (QLD)*, s 52A(1)(a), (b).

³⁰ See, *Crimes Act 1958 (VIC)*, s 195O.

(ii) The term “incite” should be replaced with the term “promote”

Second, the term “incite” should be replaced with the term “promote”, to ensure the offence provision captures an adequate scope of conduct, and that the focus of the offence provision remains fixed upon the conduct itself, rather than the inciter’s intended effect upon a particular group. The threshold of “incitement” is unreasonably high, and historically has presented a hindrance to the effective operation of the provision. This issue is discussed in detail in ASECA’s submission to the Sackar review at [2.1.3] and ECAJ’s submission to the PJCIS Review at pp 25-27.

(iii) The definition of ‘public act’ should specifically include premises to which the public have access as of right or by invitation

Third, the definition of “public act” should specifically include premises to which the public have access as of right or by invitation, irrespective of whether a fee is paid, to ensure that conduct which incites hatred amongst a limited number of persons is not artificially excluded from the scope of the provision. This might include conduct occurring in the context of meetings open only to a particular section of the community. By way of example:

- In *Wertheim v Haddad* (a civil matter brought pursuant to section 18C of the *Racial Discrimination Act*), it was submitted that the relevant conduct was not delivered “other than in private”, because they were delivered in a private setting to regular congregants of the Al Madina Dawah Centre, where non-Muslims would require specific permission to participate.³¹
- In *R v Damien Richardson* (a prosecution pursuant to the Victorian offence of public performance of a Nazi gesture),³² it was submitted that the relevant conduct did not occur in public, because it occurred in the context of a ticketed event, and at a licensed premises that was otherwise closed to the public.³³

Conduct which incites hatred in settings of this kind can undermine social harmony, albeit that it is not directed toward the public at large. It is a very different setting to a private or domestic setting, and this difference might be reflected in the definition of “public act”.³⁴

(iv) The offence provision should specifically include the protected attributes of ‘ethnicity’ and ‘nationality’

Finally, the offence provision should specifically include the protected attributes of ‘ethnicity’ and ‘nationality’, albeit that those attributes are picked up within the definition of ‘race’ under the *Anti-Discrimination Act*.³⁵ This is important to make plain that vilification on the basis of a person’s nationality falls within the scope of the offence provision.

2.1.2(B) Prohibited symbols

Pursuant to section 52D of the *Code*, it is an offence to publicly distribute, publish or display a *prohibited symbol* in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended.

A “prohibited symbol” is defined as a “symbol or image” prescribed by regulation, or which “so nearly resembles a symbol or image [prescribed by regulation] that it is likely to be confused with or mistaken for that symbol or image.”³⁶

The Minister may recommend to the Governor in Council that a symbol or image be prescribed, only if satisfied that it is widely known by the public, or by members of a relevant group, as being “solely or substantially representative of an ideology of extreme prejudice against a relevant group”.³⁷ Prior to

³¹ See, eg, See, *Wertheim v Haddad* [2025] FCA 720 at [41], [163]; Respondent’s [Opening Submissions](#) at pp 1-2 [4]-[5].

³² *Summary Offences Act 1966 (VIC)*, s 41K.

³³ *R v Damien Richardson* (Unreported, Moorabbin Magistrates Court of Victoria proceedings Q12666291, 2 December 2025).

³⁴ See further, the reasons set out in ASECA’s submission to the Sackar review (at [2.1.2]).

³⁵ See, *Criminal Code (QLD)*, s 1; *Anti-Discrimination Act 1991, schedule 1*.

³⁶ *Criminal Code (QLD)*, s 52C(1).

³⁷ *Criminal Code (QLD)*, s 52C(3).

making the recommendation, the Minister must consult with the chairperson of the Crime and Corruption Commission, the Human Rights Commissioner and the Commissioner of Police.³⁸

A regulation prescribing a symbol or image must prescribe it as a graphic representation, or description (or both), however may not prescribe the symbol or image by describing a class of symbols or images.³⁹

A defence of *reasonable excuse* applies.⁴⁰ The term “*reasonable excuse*” is defined to include a genuine artistic, religious, educational, historical, legal or law enforcement purpose, or other purpose in the public interest.⁴¹ A “*purpose that is in the public interest*” includes “*a genuine political or other genuine public dispute or issue carried on in the public interest*”.⁴²

Recommendations: prohibited symbols

(i) The requirement to prove an impact upon the community should be removed, or at a minimum, amended

ASECA recommends that the Government remove the requirement to prove that display of the prohibited symbol “*might reasonably be expected to cause a member of the public to feel menaced, harassed or offended*”.

As set out in ASECA’s submission to the Sackar review and ECAJ’s submission to the PJCIS review, a requirement of this kind distracts the focus of the offence provision, in that it directs attention away from the impugned conduct and toward the reaction of the targeted group, which should not be relevant to liability.

Further, the requirement allows an accused person to adduce evidence of perspectives which are not representative of the targeted group, or the public at large, and which may result in acquittal of the charge.

For example, in *R v Sewell*,⁴³ Mr Sewell was accused of the Victorian offence of engaging in offensive behaviour by reason of his participation in a white supremacist rally, in which he led a group of roughly 30 men dressed in black with a banner stating “*Australia for the White Man, National Socialist Network*”.⁴⁴ The accused called evidence from a witness who gave evidence that the rally “*just looked like a bunch of boys in a group, going for a walk*” and that “*nothing stood out as offensive*”.⁴⁵ The presiding magistrate concluded Mr Sewell had not engaged in offensive behaviour, noting “*Behaviour deemed unacceptably offensive by some, may not trouble others at all*”.⁴⁶ On that basis, Mr Sewell was acquitted of the charge.

In this respect, the requirement to prove that the prohibited symbol “*might reasonably be expected to cause a member of the public to feel menaced, harassed or offended*” may hinder the effective operation of the offence provision. It should be removed.

At a minimum, the term “*member of the public*” should be amended to “*member of the relevant group*”. This would accord with amendments to the corresponding Commonwealth provision in January 2026, which were designed to make the test more specific to the targeted group and reflect the bespoke impact of the offending conduct upon them.

³⁸ [Criminal Code \(QLD\)](#), s 52C(4).

³⁹ [Criminal Code \(QLD\)](#), s 52C(2).

⁴⁰ [Criminal Code \(QLD\)](#), s 52D.

⁴¹ [Criminal Code \(QLD\)](#), s 52D.

⁴² [Criminal Code \(QLD\)](#), s 52D.

⁴³ *R v Sewell* (Unreported, Ballarat Magistrates’ Court proceedings, Magistrate Wardell, 28 October 2025).

⁴⁴ ABC, ‘[Magistrate finds Neo-Nazi leader Thomas Sewell not guilty of offensive behaviour over Ballarat rally](#)’, 28 October 2025.

⁴⁵ ABC, ‘[Magistrate finds Neo-Nazi leader Thomas Sewell not guilty of offensive behaviour over Ballarat rally](#)’, 28 October 2025.

⁴⁶ ABC, ‘[Magistrate finds Neo-Nazi leader Thomas Sewell not guilty of offensive behaviour over Ballarat rally](#)’, 28 October 2025.

(ii) The scope of symbols that “so nearly resemble” prohibited symbols should be broadened to include symbols which, in all of the circumstances, plainly promote or demonstrate support for prescribed terrorist organisations

As above, the proposed definition of a “prohibited symbol” includes a symbol or image that “so nearly resembles a [prohibited symbol] that it is likely to be confused with or mistaken for that symbol or image”.⁴⁷

This provision is sound, however should be broadened to ensure that the legislative intention is not circumvented by symbols which, in all of the circumstances, plainly promote or demonstrate support for a prescribed terrorist organisations.

For example, in October 2024, at a rally in Sydney, there were reports of various expressions of support for Hezbollah – a listed terrorist organisation.⁴⁸ This included green and yellow flags (the colours of the Hezbollah flag), and a yellow and green flag depicting Ned Kelly holding a rifle (in an identical manner to the Hezbollah logo) and stating [REDACTED] [REDACTED]⁴⁹ The flag plainly resembled the Hezbollah flag and demonstrated support for that organisation. Even so, Police confirmed “The legal advice we’ve received at the moment is that that would not fulfil an offence”.⁵⁰

In this respect, the high threshold of the corresponding Commonwealth provision (which also prohibits symbols that “so nearly resemble... that it is likely to be confused with”)⁵¹ has hindered its effective operation, and allowed individuals to flagrantly demonstrate support for listed terrorist organisations. Further, at the same rally, individuals displayed portraits of the Iranian Supreme Leader Ayatollah Ali Khamenei.⁵² No person was charged with any relevant offence.

The Queensland provision should be reformed to ensure that it operates effectively to prohibit the use of symbols, images (or indeed any conduct) which demonstrates support for terrorist organisations or extremist ideology.

(iii) The definition of “public place” should be broadened to include premises to which the public have access as of right or by invitation

For the reasons set out at [2.1.2(A)] above, the definition of “public place” should be broadened to include premises to which the public have access as of right or by invitation, irrespective of whether a fee is paid.

(iv) The ‘reasonable excuse’ exception should be clarified by way of statutory examples or published guidance

The scope of the ‘reasonable excuse’ exception should be illustrated by statutory examples or published guidance. At present, the exception includes “a genuine political or other genuine public dispute or issue carried on in the public interest”, which would appear to be very broad. The offence provision should include clear examples which demonstrate the circumstances in which the display of a prohibited symbol (that is, a symbol of a prescribed terrorist organisation) may be immune from prosecution because it forms part of a “genuine public dispute”.

(v) The penalty should be commensurate with the corresponding Commonwealth offence provision

The Bill proposes to increase the maximum penalty for the offence from a fine of 70 penalty units (\$11,683) or 6 months imprisonment,⁵³ to 150 penalty units or a term of 2 years imprisonment.⁵⁴

⁴⁷ [Criminal Code \(QLD\)](#), s 52C(1)©.

⁴⁸ See, Australian National Security, ‘[Listed terrorist organisations – Hizballah](#)’.

⁴⁹ SMH, ‘[Sydney protests: Hezbollah-themed flag ‘not an offence’, police arrest man over swastika at pro-Palestine rally](#)’, 6 October 2024.

⁵⁰ SMH, ‘[Sydney protests: Hezbollah-themed flag ‘not an offence’, police arrest man over swastika at pro-Palestine rally](#)’, 6 October 2024.

⁵¹ See, [Criminal Code \(Cth\)](#), s 80.2E(3).

⁵² SMH, ‘[Sydney protests: Hezbollah-themed flag ‘not an offence’, police arrest man over swastika at pro-Palestine rally](#)’, 6 October 2024.

⁵³ Queensland Government, ‘[Sentencing fines and penalties for offences](#)’, penalty unit as at 1 July 2025.

⁵⁴ [Criminal Code \(QLD\)](#), s 52D(2).

Whilst an increase in the maximum penalty for the offence is a positive development, the offence provision should adopt a penalty corresponding with the Commonwealth offence provision – namely, a mandatory minimum term of 12 months' imprisonment.

2.1.2(C) 'Relevant' prohibited symbols

Clause 6 of the Bill introduces a new offence with respect to "*relevant prohibited symbols*", that is, "*symbols used by a prescribed organisation, or a member of a prescribed organisation, to identify the organisation or any part of the organisation.*"⁵⁵

The term "*prescribed organisation*" is defined pursuant to new section 52CA of the *Code*, which enables the Minister to prescribe particular state sponsors of terrorism or terrorist organisations, or classes thereof (as defined within the Commonwealth *Criminal Code*), as a '*prescribed organisation*' in *Queensland*.⁵⁶ This would appear to take place alongside, or in addition to, the prescription of organisations at Commonwealth level.

With respect to these symbols, it is only an offence to display the symbol where it can be proven that "*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.*"⁵⁷

A defence of *reasonable excuse* applies,⁵⁸ and the maximum penalty for the offence is 150 penalty units or a term of 2 years imprisonment.⁵⁹

Recommendations: 'relevant' prohibited symbols

(i) Ensure the definition of 'relevant prohibited symbol' and 'prescribed organisation' promote consistency between Commonwealth and Queensland regimes

The proposed amendment is sound, however appears to only partially enhance consistency between the Commonwealth and Queensland regimes for prohibited symbols. That is, following reforms in January 2026, the Commonwealth *Criminal Code* prohibits the display of prohibited Nazi symbols and '*prohibited organisation symbols*', which now includes symbols used to identify state sponsors of terrorism, terrorist organisations and prohibited hate groups (see further, above).⁶⁰

The definition of '*prescribed organisation*' currently allows the Minister to prescribe, in Queensland, includes state sponsors of terrorism or terrorist organisations.⁶¹ This provision might be broadened to include all prohibited organisations at Commonwealth level, including groups designated as '*prohibited hate groups*' under the Commonwealth *Criminal Code*. This might be achieved by amending section 52CA to pick up the reference to "*prohibited organisation symbol*" within the Commonwealth *Criminal Code*,⁶² or alternatively including '*prohibited hate groups*' within proposed section 52CA(2).⁶³ This would appear to promote greater consistency between the Commonwealth and Queensland provisions, and streamline enforcement practices for police.

(ii) The requirement to prove knowledge (or constructive knowledge) that the symbol is prescribed, should be removed

Clause 6 of the Bill requires that a person knew, or ought reasonably to have known, that the symbol was a symbol was used by a prescribed organisation (or a member of it), to identify the organisation or any part of it. The amendment is described as providing a "*slightly higher threshold than for other*

⁵⁵ *Criminal Code (QLD)*, s 52C(1).

⁵⁶ *Explanatory Notes* to 'Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026', page 2.

⁵⁷ *Criminal Code (QLD)*, s 52D(1)(b).

⁵⁸ *Criminal Code (QLD)*, s 52D.

⁵⁹ *Criminal Code (QLD)*, s 52D(2).

⁶⁰ *Criminal Code (Cth)*, s 80.2E.

⁶¹ *Criminal Code (QLD)*, s 52CA.

⁶² *Criminal Code (Cth)*, s 80.2E(3).

⁶³ *Criminal Code (Cth)*, ss 114A.2; 114A.4 to 114A.8.

*prohibited symbols, acknowledging that prescribing an organisation results in the prohibition of any symbol adopted by the organisation from time to time.”*⁶⁴

ASECA recommends against a requirement to prove knowledge of this kind, and that the policy objective – ensuring the scope of the law is clear and ascertainable – be addressed by published guidance concerning the offence provision, including a list of symbols which fall within the offence provision.

This is reflected in reforms to the corresponding Commonwealth offence provisions in January 2026, which removed the requirement to prove that an individual knew that the symbol is a prohibited symbol. This reform followed reports that enforcement of the offence had been frustrated by individuals claiming that they were not aware that they were displaying a prohibited symbol. For example, a Hamas flag or Hezbollah flag displayed in the context of political demonstrations about the Gaza war.⁶⁵

In addition to this change, the Federal Government published a list of the most commonly used Nazi symbols, prohibited terrorist organisation symbols (including state sponsors of terrorism) and symbols used by prohibited hate groups on the National Security website.⁶⁶ This is an important and effective policy development, which aids public awareness and effective enforcement of the offence provisions. As the Explanatory Memorandum states:

*“It would also ensure that the community can readily identify symbols that are prohibited from being publicly displayed and provide clear, accessible public information to support effective enforcement of the offences.”*⁶⁷

The Queensland legislation should correspond with this development, and should not include any requirement to prove knowledge (or constructive knowledge), which might hinder the effective operation of the offence provisions.

2.1.2(D) Prohibited expressions

Pursuant to clause 4 of the Bill, it will also be an offence to publicly recite, publicly distribute, publish or display a “*prohibited expression*” in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended.⁶⁸

The term “*prohibited expression*” is defined to include an expression prescribed by regulation, or that “*so nearly resembles [a prescribed] expression that it is likely to be confused with or mistaken for that expression.*”⁶⁹

The Minister may recommend to the Governor in Council that an expression be prescribed only if satisfied that it is:

- widely known by the public, or by members of a relevant group, as being “*solely or substantially representative of an ideology of extreme prejudice against a relevant group*”;⁷⁰ and
- “*regularly used to incite discrimination, hostility or violence towards a relevant group*”.⁷¹

Prior to making the recommendation, the Minister must consult with the chairperson of the Crime and Corruption Commission, the Human Rights Commissioner and the Commissioner of Police.⁷²

⁶⁴ [Explanatory Notes](#) to ‘Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026’, p 2.

⁶⁵ With respect to the Hamas flag, see, eg, The Australian Jewish News, ‘[Jewish leaders outraged over Hamas flag loophole](#)’, 12 September 2025. With respect to the Hezbollah flag, see, eg, News.com.au, ‘[Sarah Mouhanna to take Hezbollah flag case to the High Court of Australia](#)’, 28 October 2025.

⁶⁶ See, [Explanatory Memorandum](#) to the Combatting Antisemitism, Hate and Extremism Bill, p 101 [360]. See also, Australian National Security, ‘[Prohibited hate symbols](#)’; Australian National Security, ‘[Lists of certain prohibited hate symbols](#)’.

⁶⁷ See, [Explanatory Memorandum](#) to the Combatting Antisemitism, Hate and Extremism Bill, p 101 [360].

⁶⁸ [Criminal Code \(QLD\)](#), s 52DA(1).

⁶⁹ [Criminal Code \(QLD\)](#), s 52C(1A).

⁷⁰ [Criminal Code \(QLD\)](#), s 52C(3).

⁷¹ [Criminal Code \(QLD\)](#), s 52C(3A).

⁷² [Criminal Code \(QLD\)](#), s 52C(4).

A defence of *reasonable excuse* applies,⁷³ and the maximum penalty for the offence is 150 penalty units or a term of 2 years imprisonment.⁷⁴

Recommendations: prohibited expressions

(i) The test for whether an expression may be prescribed as a 'prohibited expression' should centre on whether the expression promotes violence or hatred, which is the relevant harm. Whether the expression is representative of a particular ideology, and the regularity with which it is used, should not be relevant.

The test for whether an expression may be prescribed as a '*prohibited expression*' should turn on whether the expression promotes violence or hatred (in particular, against a person or group on the basis of a protected attribute), which is the relevant harm caused by the expression.

It should not be relevant whether an expression is – or is widely known to be – representative of a particular ideology. For example, the phrases '*globalise the intifada*' and '*from the river to the sea*' plainly promote violence. As set out in **Appendix I**, and also in ASECA's submission to the LCLS Review, the phrase '*globalise the intifada*' has been used to refer to two periods characterised by acts of violent terrorism against Israeli civilians, and the phrase '*from the river to the sea*' is understood to be a call for ethnic cleansing of Jewish persons from the entirety of the land of Israel (from the Jordan River to the Mediterranean Sea). Whether the phrases have been used by terrorist organisations, and are known to be representative of those organisation's ideologies, is demonstrative, but not causative, or the harm caused by those expressions. It should not be relevant to the threshold for liability.

Further, the regularity with which the expression is used should not be relevant, as a phrase which promotes violence may inflict significant harm any time it is used. Certain expressions can powerfully and effectively promote violence, albeit that they are not used "*regularly*". For example, in June 2025, Bob Vylan led a Glastonbury festival crowd in chanting [REDACTED] [REDACTED].⁷⁵ Even on a single occasion, the phrase promoted violence against Israelis *by reason of* their nationality. This should be sufficient for the phrase to be prescribed. The phrase has since spread globally and been used in protests in New York,⁷⁶ Melbourne⁷⁷ and Sydney.⁷⁸ Even so, it is difficult to foresee how the Minister would quantify the regularity of use of an expression, in particular, in view of the regularity (or irregularity) of use of other, harmful expressions.

Further, phrases calling for [REDACTED] or the [REDACTED] have been used in numerous antisemitic attacks against Jewish Australians.⁷⁹ The threat posed by conduct of this kind – which explicitly promotes violence and/or hatred, and the failure of existing offence provisions to address it adequately, has been addressed by submissions made on behalf of the Australian Jewish community for several years.⁸⁰

For the above reasons, the Government should remove the requirements that the Minister be satisfied that the expression is:

⁷³ [Criminal Code \(QLD\)](#), s 52DA(2).

⁷⁴ [Criminal Code \(QLD\)](#), s 52D(2).

⁷⁵ [Bobby Vylan leads Glastonbury crowd in 'Death to the IDF' chant | National Post](#).

⁷⁶ [Mamdani Condemns Slurs and Pro-Hamas Chant at Heated Queens Protest - The New York Times](#).

⁷⁷ [Melbourne synagogue attack: Pro-Palestinian protesters chant "Death to the IDF" two days after alleged arson at synagogue](#).

⁷⁸ [Mass Sydney Anti-Israel Demonstration Rife With Antisemitic Slogans, Terror Glorification, and Incitement to Violence | Combat Antisemitism Movement](#).

⁷⁹ See, eg, Julie Nathan, Executive Council of Australian Jewry, '[ECAJ Report on Anti-Jewish Incidents in Australia 2024](#)' (ECAJ, 2024 Anti-Jewish Incidents Report); Julie Nathan, Executive Council of Australian Jewry, '[ECAJ Report on Anti-Jewish Incidents in Australia 2025](#)' (ECAJ, 2025 Anti-Jewish Incidents Report).

⁸⁰ Recent submissions include:

Bathurst review, [Submission](#) by NSW Jewish Board of Deputies dated 19 April 2024, and [Supplementary submission](#) by NSW Jewish Board of Deputies dated 28 June 2024;

Senate Legal and Constitutional Affairs Legislation Committee, '[Inquiry into the Criminal Code Amendment \(Hate Crimes\) Bill 2024](#)', Submission by the Executive Council of Australian Jewry dated 29 October 2024; Response to Questions on Notice by the Executive Council of Australian Jewry dated 12 December 2024.

NSW Communities and Justice, '[Review of criminal law protections against the incitement of hatred](#)', Submission by Australia's Special Envoy to Combat Antisemitism; Submission Executive Council of Australian Jewry; Supplementary Submission by Australia's Special Envoy to Combat Antisemitism.

- widely known by the public, or by members of a relevant group, as being “*solely or substantially representative of an ideology of extreme prejudice against a relevant group*”, and
- “*regularly used to incite discrimination, hostility or violence towards a relevant group.*”⁸¹

(ii) The term “prohibited expression” should be defined with sufficient breadth to ensure it encompasses similar conduct which conveys an equivalent message

The term “*prohibited expression*” should be defined with sufficient breadth to ensure that the legislative intention is not circumvented by similar conduct which conveys an equivalent message.

First, for the reasons at [2.1.2(B)(ii)] above, the threshold of “*so nearly resembles... that it is likely to be confused with*” should be broadened to ensure that the legislative intention is not frustrated.

Further, the scope of prescribed expressions should include expressions altered by changing certain words or substituting words with pictures or symbols.

For example, the Queensland Government has announced its intention that the offence will apply to the phrases “*globalise the intifada*” and “*from the river to the sea*”.⁸² This should include the phrases depicted using graphics or similar phrases, such as:

- “*globalise the intifada*” using an image of a globe, or “*from the river to the sea*” an image of a river;
- similar phrases, such as “*intifada revolution*”, or “*there is only one solution – intifada revolution*”, which have been displayed in protests in Melbourne;⁸³ or
- similar phrases, such as “*From the river to the sea, stop stealing everything you see*”.⁸⁴

The use of pictures within expressions of this kind is reflected in decisions pursuant to the Canadian offence of wilful promotion of hatred. For example, in the Canadian case of *R v Kroeplin*,⁸⁵ the offenders had affixed posters outside Burlington Art Gallery and City Hall, one of which depicted a Jewish man and Black man with a rat and cockroach with the words “*Let’s face it a world without [depiction of a Jewish man and a Black man] would be like a world without [depiction of a rat and a cockroach]*”.⁸⁶ Whilst the case did not involve a particular expression, it is demonstrative of how a combination of words and images may be used to promote violence or hatred toward a vulnerable group.

At a minimum, the offence provision should include a statutory note to clarify the Government’s intention (outlined in the Explanatory Notes) that the offence provision capture expressions that are “*substantially similar expressions to prevent people from circumventing the law through minor wording changes, where the meaning of those phrases is otherwise understood*”.⁸⁷

Overall, expressions which promote violence or death should be prohibited, irrespective of their precise form, or the regularity with which they are used. This is foundational to restore social cohesion, and social safety in Australia.

(iii) Ideally, all conduct which promotes hatred or violence against a targeted group – including by particular expressions – would be addressed within the existing serious vilification offence

It would be preferable if all conduct which promotes hatred or violence against a person or group on the basis of a protected attribute were addressed within the scope of the existing serious vilification

⁸¹ *Criminal Code (QLD)*, s 52C(3A).

⁸² See, Queensland Government, Joint Statement of Premier and Minister for Veterans, The Honourable David Crisafulli, and Attorney-General and Minister for Justice and Minister for Integrity, The Honourable Deb Frecklington, ‘[Reforms to fight antisemitism and hate and protect faith communities](#)’, 8 February 2026.

⁸³ See, eg, [ECAJ, 2024 Anti-Jewish Incidents Report](#).

⁸⁴ See, eg, the sticker available for sale at: <https://freepalestineprinting.com/products/from-the-rtts-bird>

⁸⁵ *R v Kroeplin* 2021 ONCJ 19. A decision of the Ontario Court of Justice.

⁸⁶ *R v Kroeplin* 2021 ONCJ 19 at [54].

⁸⁷ [Explanatory Notes](#) to ‘*Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026*’, p 3.

offence (section 52A of the *Code*), rather than by additional offence provisions. This recommendation is discussed further in ASECA's submission to the LCLS Review.

This would require amendments to the serious vilification offence provision, for instance, introducing a lesser, strict liability offence, following the Western Australian model.⁸⁸ This should be accompanied by authoritative guidance, published by QLD Police and overseen by the Attorney-General, concerning the scope of the offence provision. This would promote clarity and public understanding of the offence provision, and aid effective and consistent law enforcement.

(iv) The Government should also consider introducing a new strict liability offence which prohibits all conduct that 'promotes, justifies, advocates, calls for, glorifies or celebrates the use of violence, destruction or death' (irrespective of protected attribute)

Further to the above, the Government might consider a new strict liability offence which prohibits **all** conduct that '*promotes, justifies, advocates, calls for, glorifies or celebrates*' violence, destruction or death, including in implicit form. This offence should apply irrespective of whether the conduct is directed toward a person or group on the basis of a protected attribute. The offence might attract a lesser penalty, as it is a strict liability offence.

The offence should also be completed by clear, authoritative guidance, published by QLD Police and overseen by the Attorney-General, concerning the scope of the offence provision. Similar to the guidance with respect to prohibited symbols, this guidance might be updated from time to time, to ensure that the scope of the offence is clear and ascertainable.

An offence of this kind would encompass expressions such as "*globalise the intifada*" and "*from the river to the sea*", and would not be circumvented by using similar words, or a combination of words and images.

These recommendations are designed to ensure that the legislative intent – to address the promotion of hatred and violence – is not undermined by the use of expressions (or other forms of conduct) which are not prescribed by regulation, but which promote hatred or violence against a protected group. Each of the above recommendations are discussed in detail in ASECA's submission to the LCLS Review.

2.2 Offences against ministers of religion and places of worship

Part 2, Clauses 8 and 9 of the Bill propose new or revised offences to protect ministers of religion and individuals attending places of worship. ASECA supports the introduction of these offences, subject to the below comments and reservations.

2.2.1 Assaults on ministers of religion; Disturbing religious worship

The Bill modernises the offences of '*Assaults of ministers of religion*' and '*Disturbing religious worship*'.⁸⁹

Pursuant to the revised offence of '*Assaults of ministers of religion*', it will be an offence to unlawfully assault a minister of religion and hinder or prevent the minister from lawfully officiating at a meeting for religious worship or religious ceremony (such as a wedding, funeral or other religious rite in relation to burial), or from lawfully performing another religious function (such as pastoral care, religious education, spiritual counselling). The maximum penalty is 5 years imprisonment.

⁸⁸ See, [Criminal Code \(WA\)](#), ss 78, 80B. See also, ASECA's submission to the LCLS Review, Appendix III, which provides an overview of those provisions.

⁸⁹ [Criminal Code \(QLD\)](#), ss 206, 207.

Pursuant to the revised offence of '*Disturbing religious worship*', it will be an offence to wilfully disturb a meeting of persons lawfully assembled for religious worship, without reasonable excuse. The maximum penalty is 6 months imprisonment.

ASECA supports these amendments as important measures to protect every Australian's ability to practice and engage with their faith free from harassment, intimidation or violence.

2.2.2 Intimidating or obstructing persons entering or leaving places of religious worship

The Bill also introduces a new offence prohibiting persons who are in, or in the vicinity of, a place of worship, from intimidating, harassing, obstructing or hindering persons accessing or leaving a meeting of "*persons lawfully assembled for religious worship*", without a reasonable excuse.⁹⁰ The maximum penalty is 3 years imprisonment.

(i) The protections for individuals accessing or leaving a place of worship must be broadened to include attendance for faith-based purposes other than worship. Further, the provisions should extend protection to other faith-based institutions

Foremost, at a minimum, the provision should be extended to protect individuals accessing or leaving a place of worship for other purposes – for instance, for religious worship, education, pastoral care or a religious celebration or function. This is fundamental to ensure that all Australians can engage with their faith – irrespective of the particular purpose – free of intimidation, harassment and similar conduct.

Further, the provisions should extend protection to other faith-based institutions, such as faith-based childcare centres, schools, hospitals, aged-care centres, cemeteries, museums, community centres and businesses. Regrettably, Jewish Australians regularly experience antisemitic harassment, and other such incidents, when attending or leaving identifiably Jewish venues of this kind.

For example, in November 2022, in Perth, a driver of a passing vehicle shouted, [REDACTED] and made threatening hand gestures towards three Jewish schoolchildren walking home from school.⁹¹ Incidents of this kind plainly interfere with Jewish Australians' entitlement to go about their everyday activity free of intimidation and harassment. For this reason, the protections proposed for places of worship should extend to other faith-based institutions.

(ii) The 'reasonable excuse' exception should be supplemented with statutory examples (for instance, roadworks or utility repairs) to demonstrate the scope of the exception

Second, the '*reasonable excuse*' exception should be clarified or removed – for example, it might include roadworks conducted by, or on behalf of, the relevant Roads Authority, or repairs conducted by an electricity (or other such) provider.

(iii) The scope of protection "in the vicinity of" places of worship should be clarified with statutory examples, and specifically include conduct such as demonstrations situated on the opposite side of the road to the place of worship

Third, the offence provision should illustrate the scope of the term "*in the vicinity of*". For example, on 4 December 2024, Jewish Australians were barricaded inside the Great Synagogue, Sydney, and told by police it was not safe to leave, due to a protest across road from synagogue.

An event was taking place inside the Synagogue to celebrate the centenary of the Israel Institute of Technology (Technion). Meanwhile, the protest outside involved chants of "*From the river to the sea, Palestine will be free*" and a banner with a slogan calling for the eradication of the state of Israel.⁹²

⁹⁰ [Criminal Code \(QLD\)](#), s 206A.

⁹¹ ECAJ, [2023 Antisemitism Report](#), p 40.

⁹² See, eg, Australian Jewish News, '[Protestors target Sydney's Great Synagogue](#)', 5 December 2024.

Conduct of this kind should fall within the offence provision, as it plainly obstructed the individuals' ability to leave the place of worship.

(iv) The protections should be broadened to include conduct which may deter an individual from attending a place of worship, following the model of the safe access zone provisions enacted for reproductive health clinics

Further, and importantly, the offence should prohibit a broader scope of conduct, following the model of the safe access zones for reproductive health clinics. For instance, in Queensland, prohibited conduct in safe access zones includes conduct which “*could reasonably be perceived as relating to terminations*” and “*would be reasonably likely to deter a person...from entering or leaving the premises...*”.⁹³

See further, **Appendix II**, which is a copy of ASECA's submission titled ‘*Legislative reform to protect faith-based institutions*’. Appendix II was prepared with respect to the New South Wales Government's consideration of legislative measures to ensure Australians' ability to attend places of worship and practice their faith free of intimidation and harassment. However, it is of equal relevance to the Committee's consideration of the protections proposed pursuant to section 206A.

2.2.3 Wilful damage of places of religious worship

Finally, the Bill proposes that the existing offence of ‘*wilful damage*’ attract a higher maximum penalty where the premises is a place of worship, namely 7 years imprisonment rather than 5 years’ imprisonment.

(i) The penalty for wilful damage of places of worship should be further strengthened, in view of the operation of corresponding New South Wales provisions

This amendment is sound, however the proposed penalty would appear to be inadequate in view of the operation of corresponding provisions in New South Wales. For example, on 21 November 2024, two individuals graffitied antisemitic slurs across vehicles and property in Wollahra and damaged or destroyed vehicles by fire, causing significant damage.⁹⁴ Both individuals were sentenced for the offence of destroying or damaging property in company, by fire, which carries a maximum sentence of 11 years’ imprisonment.⁹⁵ One individual was sentenced to 1 year and 8 months’ imprisonment with a 10 month non parole period.⁹⁶ The second was sentenced to an 11-month intensive corrections order.⁹⁷

Conclusion

ASECA welcomes the Government's resolve to address the escalation of hatred, including antisemitism, and the promotion of terrorist ideologies in Queensland. Part 2 of the Bill proposes important measures which will assist to address these issues, and to restore social cohesion and our Australian values of peaceful co-existence, mutual respect and common decency. There are, however, several aspects of the Bill which require amendment to ensure it operates effectively and achieves its important objectives. For this reason, ASECA commends the Government to consider, and adopt, the above recommendations.

⁹³ [Termination of Pregnancy Act 2018](#) (QLD), s 15.

⁹⁴ See, *R v Mohammed Farhat* (Unreported, Local Court of New South Wales proceedings 2024/00437311, Magistrate Nash, 18 November 2025).

⁹⁵ [Crimes Act 1900 \(NSW\)](#), s 195(1A)(b).

⁹⁶ See, *R v Mohammed Farhat* (Unreported, Local Court of New South Wales proceedings 2024/00437311, Magistrate Nash, 18 November 2025).

⁹⁷ See, *R v Thomas Stojanovski* (Unreported, Local Court of New South Wales proceedings 2024/00442976, Magistrate Nash, 25 November 2025).

Appendix I

The phrases ‘globalise the intifada’ and ‘from the river to the sea’

The phrase “Globalise the intifada”

The phrase “globalise the intifada” provides an illustrative example of an expression which, at the very least, *implicitly* promotes violence.

The literal meaning of the Arabic word “intifada” is “*shaking off*”.⁹⁸ However, the word (and associated phrases) have been exclusively used to refer to two periods of intense Palestinian protest (or violent “*uprising*”) against Israel – the first intifada (1987-1990) and second intifada (2000-2005).⁹⁹ These periods were characterised by acts of violent terrorism against Israeli and other civilians, including regular suicide bombings during the second intifada.¹⁰⁰

For example, on 9 August 2001, a 22 year-old male entered a pizzeria in Jerusalem, carrying a guitar case which concealed a bomb.¹⁰¹ The explosion killed a 15 year-old Australian girl, Malki Roth, and 13 others, including a pregnant woman and eight children.¹⁰² A further 130 civilians were injured.¹⁰³

Over one thousand Israelis were murdered during the second intifada,¹⁰⁴ including 135 people in one month alone (March 2001).¹⁰⁵ The terror inflicted across broader Israeli society has been described as follows:

*“This harrowing period fundamentally altered Israeli society because it impacted everyone. No one, regardless of their political opinions, level of religious observance or ethnicity, was left unaffected.”*¹⁰⁶

The terrorising impact of the first and second intifadas extended internationally, including to the Australian Jewish community, many of whom had family and friends murdered during the terrorist attacks.

Further, in 2015-2016, Israel experienced a “*knife intifada*”, during which almost daily lone-wolf attackers stabbed, shot or rammed their cars into groups of Israelis.¹⁰⁷

In light of this history, the term “*intifada*”, and calls for globalising an “*intifada*”, are commonly understood as a call to participate in a violent “*uprising*”, involving violent acts of terrorism and murder of Israeli and Jewish civilians. The Bondi Beach massacre is an example of a violent act of terrorism, which targeted Jewish Australians, and resulted in the murder of fifteen people.

The *understood* meaning of the term “*intifada*” is further reflected in the use of this term to describe other periods of violent terrorism. For instance, in 2018, a French parliamentarian said France was experiencing a “*knife intifada*” following several knife attacks in France by Islamic extremists.¹⁰⁸

Whilst the *understood* meaning of the term “*intifada*” and associated phrases are reprehensible, the term appears to have fallen beyond the scope of existing legislative provisions. The difficulty in addressing terms of this kind (and indeed, all conduct which implicitly promotes violence by an *understood* rather than literal meaning) lies in proof of the individual’s intention – namely, that the individual intended the violent, rather than the literal meaning.

⁹⁸ See, eg, The Washington Post, “[Transcript: State of Antisemitism with Deborah Lipstadt](#)” (Web Page, 11 June 2024).

⁹⁹ [What Does “Globalize the Intifada” Mean and How Can it Lead to Targeting Jews with Violence? | AJC](#).

¹⁰⁰ See, eg, [What Does “Globalize the Intifada” Mean and How Can it Lead to Targeting Jews with Violence? | AJC](#); [Myth: The phrase “globalize the Intifada” is not a call for violence - CIIA - The Centre for Israel and Jewish Affairs](#).

¹⁰¹ [Malki went to eat pizza with a friend. Then she was murdered - Zionist Federation of Australia](#).

¹⁰² [Malki went to eat pizza with a friend. Then she was murdered - Zionist Federation of Australia](#).

¹⁰³ [Malki went to eat pizza with a friend. Then she was murdered - Zionist Federation of Australia](#).

¹⁰⁴ [The Second Intifada: A defining event that reshaped the nation | The Jerusalem Post](#).

¹⁰⁵ <https://www.jpost.com/israel-news/politics-and-diplomacy/article-702901>.

¹⁰⁶ [The Second Intifada: A defining event that reshaped the nation | The Jerusalem Post](#).

¹⁰⁷ [Israel has overcome past waves of terror and will do so again | The Jerusalem Post](#).

¹⁰⁸ [France suffering ‘intifada,’ says Jewish lawmaker after fatal stabbing in Paris | The Times of Israel](#).

The phrase “From the river to the sea”

A further prominent example is the phrase “*from the river to the sea*”, and its Arabic original equivalent (“*from water to water, Palestine is Arab*”). This phrase is justified with the claimed meaning of freedom of the Palestinian people.

However, the Arabic language original reveals a call for ethnic cleansing of Jewish persons from the entirety of Israel, the West Bank and Gaza (from the Jordan River to the Mediterranean Sea), in that it calls for whole land to be Arab or free of Jews.

Perhaps most prominently, the phrase has been used by Hamas – a listed terrorist organisation in Australia, EU, the United States, Germany, the United Kingdom, Canada and Japan.¹⁰⁹

For instance, in 2012, Khaled Mashal, then leader of Hamas, declared in a speech to mark the 25th anniversary of the foundation of the group: “*Palestine is ours, from the river to the sea and from the south to the north.*”¹¹⁰ In 2017, Hamas published a revised charter, which states “*Hamas rejects any alternative to the full and complete liberation of Palestine, from the river to the sea*” and also explicitly calls for the violent destruction of the state of Israel.¹¹¹ In December 2022, Hamas published the slogan along with a map of the region depicting a Palestinian state and no Israel.¹¹²

For this reason, the German Interior Ministry has prohibited the slogan as an indication of support for Hamas and a call for violence against Jews and against the state of Israel.¹¹³

¹⁰⁹ <https://www.atlanticcouncil.org/blogs/econographics/global-sanctions-dashboard-how-hamas-raises-uses-and-moves-money/>

¹¹⁰ [Why 'river to sea' pro-Palestinian slogan is controversial – DW – 11/19/2023](#)

¹¹¹ Hamas Charter, Article 20. Available at <[Hamas in 2017: The document in full | Middle East Eye](#)>.

¹¹² [Why 'river to sea' pro-Palestinian slogan is controversial – DW – 11/19/2023](#)

¹¹³ See,

<https://www.bundesanzeiger.de/pub/publication/M0JVrk5Qop55DhqscjE/content/M0JVrk5Qop55DhqscjE/BAZ%20AT%2002.11.2023%20B10.pdf>.

PROPOSED LEGISLATIVE MEASURES TO PROTECT AUSTRALIANS' PEACEFUL ACCESS TO FAITH-BASED INSTITUTIONS

1. Background

On 8 December 2024, Premier Minns announced his Government's intention to consider law reform to regulate protests outside religious institutions that aim to intimidate or prevent Australians practicing their faith.¹ The announcement followed the lockdown of The Great Synagogue on 4 December 2024, during which attendees were unable to leave the synagogue by reason of a protest outside.² That event however, was not an isolated incident. It followed several antagonistic protests outside synagogues in the last twelve months—for example, protests causing evacuation of Central Shul in Melbourne on 10 November 2023,³ outside The Great Synagogue on 14 July 2024⁴ and outside Caulfield Shul on 25 November 2024.⁵

These protests occurred amidst a 316 percent increase in antisemitic incidents (excluding social media) in the twelve months ending 30 September 2024.⁶ Many of these incidents have occurred outside synagogues and other identifiably Jewish venues, including Jewish schools, museums, hospitals and businesses. Many involved vitriol relating to the conflict in the Middle East. **Appendix 1** sets out a small sample of these incidents. This conduct causes distress. It plainly interferes with Jewish Australians' entitlement to go about their everyday activity free of intimidation and harassment. It reflects extremist elements who feel at liberty to make a minority group in our community feel intimidated, afraid and in danger. It can no longer be tolerated.

2. Recommendation

The Special Envoy strongly recommends the NSW Government introduce "*safe access zone*" legislation to protect all faith groups' entitlement to practise their beliefs and to access faith-based institutions free of interference, harassment or intimidation.

"Faith-based institutions" should be defined to include *"places of worship and faith-based institutions as prescribed by the regulations"*. This would allow for faith-based institutions or premises, including those considered vulnerable or at-risk, to become entitled to safe access zone protection, either as a class or individually, noting the risk associated with identifying specific individual locations by regulation. These might include faith-based childcare centres, schools, hospitals, aged-care centres, cemeteries, museums, community centres and businesses.

Such safe access zone legislation is now vital as faith-based institutions and premises have been targeted, particularly in the Jewish community, interfering with some Australians' entitlement to go about their everyday activities without anxiety or trepidation. These measures are necessary to protect peaceful communities from harassment and restore their sense of freedom from intimidation.

¹ See <https://www.nsw.gov.au/ministerial-releases/protecting-religious-places-of-worship-and-religious-freedoms-nsw>.

² See <https://www.abc.net.au/news/2024-12-08/nsw-vows-law-change-to-ban-protests-outside-worship-places/104699392>;

³ See <https://www.timesofisrael.com/melbourne-synagogue-evacuated-on-shabbat-as-pro-palestinian-rally-held-nearby>.

⁴ See <https://www.timesofisrael.com/sydney-jews-decry-sanction-israel-banner-hung-at-great-synagogue-as-antisemitism/>.

⁵ See [Man arrested after tense protest stand-off at Melbourne synagogue | SBS News](#).

⁶ Julie Nathan, *Report on Antisemitism in Australia 2024* (Executive Council of Australian Jewry) (2024 Antisemitism Report), p 1.

3. Safe access zone legislation: a proposed framework

A “safe access zone” bill for faith-based institutions might be based on Part 6A of the [Public Health Act 2010 \(NSW\)](#) (Part 6A), which was enacted in NSW in 2018 to protect individuals’ access to healthcare services, specifically clinics administering abortions.⁷ Part 6A has been successful in achieving its objective – namely, ensuring individuals can access those services “*without interference, and in a manner that protects their safety and well-being*”.⁸ Importantly, the provisions struck an effective balance between safeguarding access to healthcare and preserving Australians’ democratic rights, including their implied constitutional freedom of political communication.

Object and scope

In similar terms to Part 6A, the bill should specify an objective to “*ensure Australians can practise their faiths and attend places of worship and other faith-based institutions as prescribed by regulations, in a manner that protects their safety and well-being*.”⁹

Protections within safe access zones

The bill should provide a “safe access zone” of 150m around these institutions,¹⁰ and prohibit the following conduct within “safe access zones” (the below prohibitions correspond to Part 6A):

- a) Conduct which “*interferes with*” a person accessing or leaving a faith-based institution (“*interferes with*” defined as including “*harass, intimidate, beset, threaten, hinder, obstruct or impede by any means*”, or obstructing or blocking a footpath or road leading to a faith-based institution without reasonable excuse).¹¹
- b) Communications which relate to a faith-based institution (or the faith or people it represents), and which are “*reasonably likely to cause distress or anxiety*” to a person accessing or leaving the faith-based institution,¹² except for:
 - i. Comments by employees of the faith-based institution or service providers. This exception is important to ensure the provision is not so broad as to capture statements made by religious leaders, museum curators, or medical staff within the facilities.¹³
 - ii. Conduct occurring within other religious buildings, outside Parliament House, or with the authority of candidates during an election.¹⁴
- c) Capturing visual data of persons accessing faith-based institutions without their consent, and distributing that data,¹⁵ except for that captured by security cameras and police in the course of duty.¹⁶

Penalties

The law should provide tiered penalties (as in Part 6A),¹⁷ as follows:

- a) for a first offence: 6 months’ imprisonment, a fine of 50 penalty units, or both;

⁷ See Part 6A of the [Public Health Act 2010 \(NSW\)](#), enacted by the *Public Health Amendment (Safe Access to Reproductive Health Clinics) Act 2018* (NSW).

⁸ *Public Health Act 2010* (NSW), s 98B(b) (Objects of Part 6A).

⁹ Compare *Public Health Act 2010* (NSW), s 98B.

¹⁰ Compare *Public Health Act 2010* (NSW), s 98A, which provides for a “safe access zone” of 150m around a reproductive health clinic.

¹¹ Compare *Public Health Act 2010* (NSW), s 98C.

¹² Compare *Public Health Act 2010* (NSW), s 98D.

¹³ Compare *Public Health Act 2010* (NSW), ss 98D(2), 98E(3).

¹⁴ Compare *Public Health Act 2010* (NSW), s 98F.

¹⁵ Compare *Public Health Act 2010* (NSW), s 98E.

¹⁶ Compare *Public Health Act 2010* (NSW), s 98E(3).

¹⁷ Compare *Public Health Act 2010* (NSW), ss 98C, 98D, 98E.

b) for second or subsequent offences: 12 months' imprisonment, a fine of 100 penalty units, or both.

The seriousness of these penalties are an important deterrent, and convey a clear message that Parliament considers interference with individual's access to a religious institution a serious offence.

4. Effectively balancing freedoms

The above proposal strikes an effective balance between safeguarding Australians' entitlement to access to faith-based institutions and respecting the implied freedom of political communication. Importantly, it would correspond with the "*safe access zone*" provisions in Part 6A. In *Clubb v Edwards*, the High Court of Australia unanimously concluded that corresponding Tasmanian provisions did not impermissibly infringe the freedom.¹⁸

5. Next steps – consultation

We would be grateful for the opportunity to be directly involved with the Government's policy development and, ultimately, the crafting of these proposed laws to ensure that they are fit for purpose.

Please feel free to contact the Special Envoy directly, or the Director of that Office, Mr Ashley Midalia, at Ashley.Midalia@aseca.gov.au to continue our engagement on this issue.

¹⁸ See *Clubb v Edwards* (2019) 267 CLR 171; [2019] HCA 11.

APPENDIX 1

Sample of recent antisemitic incidents in Australia

TYPE OF FACILITY	OVERVIEW OF ANTISEMITIC INCIDENT	DATE
Synagogue	"Free Gaza" was graffitied on a synagogue wall. ¹	2 February 2024
	A Rabbi's wife and children who were home by themselves, evacuated their home for their own safety after it was vandalised with messages including "Free Gaza" and [REDACTED] on the front gate, door and his wife's car. ²	3 December 2024
	Adass Synagogue was destroyed by arson in an alleged terrorist incident. ³	6 December 2024
School	A vehicle driver shouted at three Jewish children walking home from school [REDACTED]. ⁴	4 November 2022
	A passenger of a vehicle raised his middle finger at Jewish school security personnel and shouted "Hamas". ⁵	15 May 2023
	Graffiti of [REDACTED] on the front wall of a Jewish school. ⁶	25 May 2024
Museum	A woman screamed [REDACTED] and [REDACTED] towards two 17-year-old Jewish boys outside a Jewish venue, Caulfield. ⁷	24 June 2023
	A person left an image of corpses (victims of the Holocaust) under the door of the Queensland Holocaust Museum on 2 August 2023. A week later, a man entered the museum, claimed to have left the image, and became verbally antisemitic to the people present. ⁸	2 August 2023
Hospital	Police Prosecutors informed the Court that the accused Mohammed Farhat searched for the location of a local Jewish hospital and was "targeting Jewish people, not people from Israel" when he allegedly damaged and destroyed property in Woollahra, including the graffiti [REDACTED]. ⁹	21 November 2024
Cemetery	Vandalism of ten headstones of Jewish graves spray-painted with Nazi swastikas, using either stencils or splashed with paint, in Jewish section of the cemetery, Maitland. ¹⁰	31 January 2023
Business	A Jewish bakery was graffitied with an inverted red triangle (a symbol used in Hamas propaganda and to promote violence against Israel), ¹¹ and a note left under the door stating "Be careful". ¹²	13 October 2024
	A female customer entered a Jewish wine bar and stated to the owner "It's so good that you're quiet. We want you gone from this suburb. We don't need your kind here". ¹³ The wine bar had also been graffitied with inverted red triangles two occasions. ¹⁴	24 October 2024

¹ Julie Nathan, *Report on Antisemitism in Australia 2024* (Executive Council of Australian Jewry) ([2024 Antisemitism Report](#)), p 12.

² See <https://www.australianjewishnews.com/rabbis-family-forced-to-leave/>.

³ See <https://www.abc.net.au/news/2024-12-10/adass-synagogue-fire-joint-counter-terrorism-team-investigation/104702790>.

⁴ Julie Nathan, *Report on Antisemitism in Australia 2024* (Executive Council of Australian Jewry) ([2023 Antisemitism Report](#)), p 40.

⁵ Ibid, p 46.

⁶ [2024 Antisemitism Report](#), p 13.

⁷ [2023 Antisemitism Report](#), p 47.

⁸ [2023 Antisemitism Report](#), p 48.

⁹ See <https://www.smh.com.au/national/nsw/man-targeted-jewish-people-in-sydney-s-east-police-say-20241218-p5kza3.html>. See also <https://www.abc.net.au/news/2024-12-11/woollahra-anti-israel-vandalism-sydney/104710858>.

¹⁰ [2023 Antisemitism Report](#), p 38.

¹¹ See <https://extremismterms.adl.org/glossary/inverted-red-triangle>.

¹² See <https://www.9news.com.au/national/avners-bakery-surry-hills-jewish-tv-chef-ed-halmagyi-sydney-bakery-vandalised/403c305a-dd40-4fc8-9874-9e14d0c9432d>.

¹³ See <https://www.dailymail.co.uk/news/article-14004147/melbourne-jewish-hate-anti-semitism-wine-bar.html>.

¹⁴ Ibid.