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

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Fighting Antisemitism and Hate Amendment Bill 2026 (Qld) Submission

Monica Carrer

Free Palestine Townsville

Introduction

The Free Palestine movement in Australia stands firmly against all forms of hate, racism, and violence. These harms, wherever they occur, have devastating consequences and are the roots of broader social and political conflict. The same logic behind the Bondi terror attacks, the idea that innocent civilians can be annihilated becuase of their group identity, is what drives the genocide in Palestine. We have started our movement to stand against such hate. Our movement calls on the government to uphold human rights principles to which it is legally bound, that every human being should be free from fear, discrimination, and violence. Protecting these rights is essential not only for international communities but also for Australia's social cohesion, safety, and democratic integrity.

Free Palestine Townsville recognises and affirms the importance of combating antisemitism, racism, hate crimes, and all forms of violence and intimidation against communities in Queensland. Jewish communities, like many other communities, are experiencing real fear and harm, and these harms must be addressed seriously and effectively by the government.

Nonetheless, we are deeply concerned that the Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 introduces legal frameworks that risk undermining democratic freedoms, particularly freedom of political expression and the right to peaceful protest. The Bill represents a significant expansion of executive power over political speech and protest activity, without adequate safeguards, evidentiary basis, or democratic oversight. As a consequence, such measures will not contribute to the safety of any community, but rather risk marginalising some protected groups in our community, limiting democratic freedoms, and diverting attention from the real problem. Growing hate and insecurity in the country must be challenged through a strategy that breaks stereotypes rather than creating new ones, a strategy that improves trust, solidarity, and social cohesion.

This submission draws my personal academic expertise in peace and conflict studies, critical terrorism studies, and human rights law, as well as lived experience from community organising, to highlight the risks posed by the Bill and to propose alternative, evidence-based approaches to combating antisemitism and hate while strengthening, rather than weakening, social cohesion and democratic rights.

Lack of Transparency and Inadequate Consultation

First, we are concerned with how the introduction of this Bill has been characterised by a lack of transparency in how it has been presented to the public, and the absence of adequate time and consultation for the community and experts to properly assess its implications.

The official government statement and media reporting created the clear public impression that the new legislation itself would ban the two specific slogans “from the river to the sea” and “globalise the intifada.” This framing has been repeated across mainstream media. However, the Bill does not in fact ban these slogans in the legislation. Instead, it introduces a new system that allows the executive government to ban political expressions later by regulation.

This distinction is critical, yet it has not been communicated clearly to the public. As a result:

1. The public is not being made aware that the banning of specific slogans will not occur through a parliamentary process subject to full democratic debate, scrutiny, and consultation, but through executive regulation.

2. The public is also not being informed that the system created by the Bill can be used to ban other political slogans and expressions in the future, beyond those currently named in political statements.

Introducing such a far-reaching framework through a process that has been misrepresented in public messaging undermines informed democratic debate. It limits the ability of the community, legal experts, human rights organisations, and affected groups to properly assess the long-term implications of the Bill.

Given the significant impact this legislation may have on freedom of political expression and the right to protest, the Bill should not be progressed in the absence of full transparency, meaningful public consultation, and sufficient time for detailed legal analysis of the full text.

Executive Power to Ban Expressions and Lack of Meaningful Oversight

We are deeply concerned about the concentration of power in the executive government to determine which political expressions and symbols may be banned under this Bill. While the Bill provides for consultation with the Human Rights Commissioner and other office-holders before prescribing expressions or symbols, it does not require their agreement.

Therefore, the Bill shifts power to the executive to make decisions with serious consequences for freedom of expression and protest, even where independent human rights experts may raise concerns. Oversight from human rights institutions and independent

experts must be mandatory and substantive, not merely consultative. If such powers are to exist at all, decisions to ban expressions must be subject to clear, enforceable requirements that expert human rights advice is meaningfully incorporated and respected.

A Townsville community member expressed concern about this and stated:

“My biggest concern is the circumventing of the normal democratic processes and safeguards. All issues should pass through parliament and be made public. True democracy does not rest in small elitist power structures which operate behind closed doors with very little transparency”.

More fundamentally, we do not agree with the principle that the power to ban political expressions should sit with the executive in the first place. The executive does not have the institutional capacity or legitimacy to examine contested evidence, conduct open inquiries, consult widely with affected communities and independent experts, or balance complex human rights considerations in a transparent way. These steps are necessary to properly assess the impact of a phrase, and implications on the community.

Low Threshold for Criminal Liability and Absence of Intent

The new offence applies where the public use of a prescribed expression ‘might reasonably be expected to make a member of the public feel menaced, harassed, or offended’. This is an extremely low threshold for criminal liability.

Crucially, the offence does not require proof of intent (mens rea) to incite violence, hatred, or harm. This departs from established principles of criminal law and hate-crime legislation, which are traditionally anchored in intentional advocacy, threat, or use of violence against a protected group. Criminalising political expression based on perceived offence rather than intent risks suppressing legitimate dissent.

The Minister’s Statement of Compatibility justifies the new offence as a “minor” and reasonable limitation on freedom of expression. We are puzzled by how the Minister is minimising this. This is not a minor limitation. It exposes individuals to serious criminal repercussions on the basis of an exceptionally broad and indeterminate threshold. “Offended” is so broad that it has no clear legal, objective boundary: anyone can claim to be offended for subjective reasons and personal beliefs. In practice, this impossible test confers enormous discretionary power on police, prosecutors, and courts to determine what speech might be considered offensive, making enforcement inherently subjective and vulnerable to bias. The Statement of Compatibility fails to engage with these fundamental problems and therefore does not provide a credible assessment of the severity of the rights limitations imposed by the Bill.

Impact on Protest Rights and Policing

The Bill explicitly identifies chants and placards at protests as a context in which the new offence applies. Although the Bill provides for ‘reasonable excuses’ for the use of banned

phrases, and even though protests have the function of educating the public and advocacy, NOT menacing or harassing, it appears that protests are here considered by default as contexts during which such the criminal offence occurs. Peaceful protests must be protected by law as core democratic freedoms, not treated as a security problem.

The Bill further expands police powers to stop, detain, and search people and vehicles without warrant, and to seize protest materials as evidence.

This places peaceful protest under heightened risk of being policed as “menacing, harassing or offending,” even where there is no intent to cause harm. Such powers are likely to disproportionately affect marginalised communities and political movements, and risk transforming protest from a protected democratic activity into a securitised space of suspicion and control.

Incompatibility with the Queensland Human Rights Act 2019

Queensland’s Human Rights Act 2019 protects, among other rights, freedom of expression, peaceful assembly, freedom of association, and participation in public life. These rights are central to democratic society and to the ability of communities to express political views, organise collectively, and hold governments to account.

The Statement of Compatibility for this Bill acknowledges that these rights are limited by the proposed reforms, but asserts that the limitations are “reasonable and demonstrably justifiable” in a free and democratic society. The Minister further characterises the limitations as “minor.”

We strongly disagree with this assessment, which does not provide any specific explanation or evidence of why limiting these rights are ‘justifiable’.

First, the Statement of Compatibility provides no evidence that criminalising political expressions at protests, or expanding police powers to stop, search, and seize protest materials, is necessary to achieve the stated aims of combating antisemitism or terrorism. No inquiry, empirical data, or demonstrated causal link is provided to show that peaceful protest slogans or political expressions contribute to violent extremism or hate crimes. In the absence of such evidence, it is unclear on what basis these significant limitations on fundamental rights are considered necessary.

Second, the process established by the Bill contains no mechanism to ensure that limitations on rights are a last resort, proportionate, and strictly necessary in each case.

Third, the characterisation of these limitations as “minor” is deeply concerning. The Bill introduces new criminal offences for public expression based on an extremely low threshold, without requiring proof of intent to incite violence or hatred. Criminalising political expression in this way, particularly in protest contexts, represents a serious interference with freedom of expression and peaceful assembly.

Finally, the Statement of Compatibility treats the existence of a “reasonable excuse” defence as sufficient to safeguard human rights. In reality, it is clear that nobody will be able to use such expressions for educational or advocacy purposes, given the impossibly broad threshold, and that the ‘reasonable excuse” will not apply.

For these reasons, the Bill cannot be considered compatible with the Queensland Human Rights Act 2019 in any meaningful sense.

The Proposed Banning of Specific Slogans as a case study

The government’s public statements naming the phrases “from the river to the sea” and “globalise the intifada” as targets of the proposed reforms illustrate many of the core problems with this Bill.

First, no evidence has been presented to demonstrate a connection between the use of these slogans at protests and the commission of hate crimes or terrorist violence in Queensland. The government has not pointed to any inquiry, investigation, or empirical data showing that these chants have led to threats, assaults, or attacks on Jewish people or any other group. In the absence of such evidence, it is unclear on what basis these specific expressions have been singled out for criminalisation.

Second, there is no transparent process by which these slogans have been assessed. There has been no independent inquiry, no public consultation with affected communities, and no clear evidentiary standard applied to determine whether criminalising these phrases is necessary or proportionate. The public announcement of intent to ban these slogans, without any accompanying evidence or process, exemplifies the broader lack of transparency in how this Bill has been introduced. In fact, the Bill provides a way to avoid such inquiry processes and the need to have a rigorous assessment.

Third, there is no evidence that banning these slogans would protect any community from harm. The assertion that prohibiting particular protest chants will improve safety has not been substantiated. Restricting political expressions used in peaceful protest risks diverting attention from concrete measures that address antisemitism directly, such as education, community engagement, and the enforcement of existing laws against violence, threats, and harassment.

Fourth, these chants are widely used in protests calling for the freedom and human rights of Palestinians, a protected group under human rights law, in the context of ongoing mass violence and serious human rights violations. Protesters using these chants are expressing political opposition to state violence and calling on governments to fulfil their international human rights obligations. There is no basis to presume that such expressions are intended to offend, harass, or menace members of other communities. In most cases, the intent is the opposite: to advocate for the protection of human life and human rights.

Finally, the proposed banning of these slogans risks isolating and marginalising members of the community who advocate for Palestinian rights. Rather than protecting any group, the threat of criminal sanctions for political chants functions to intimidate advocates, chill lawful

protest, and silence political expression. This deepens social division and undermines the possibility of building genuine social cohesion across communities.

This example demonstrates why the Bill's framework is ill-suited to addressing antisemitism and hate. It substitutes symbolic speech bans for evidence-based measures, risks criminalising peaceful political advocacy, and places already marginalised communities under heightened scrutiny and intimidation.

Notably, a recent NSW call for submissions on proposals to ban these same slogans attracted evidence from many legal experts, civil liberties organisations, and community groups arguing against such bans, and outlining why criminalising these chants would be dangerous for freedom of expression, protest rights, and social cohesion.

Investing in Social Cohesion as the Only Sustainable Response to Hate

While Australia is moving towards increased criminalisation of peaceful pro-Palestine protest and political expression, this trajectory is increasingly at odds with democratic standards and human rights principles in comparable liberal democracies. Recent UK High Court decisions pushing back against efforts to criminalise pro-Palestinian activism underscore that broad restrictions on peaceful political protest can be unlawful and incompatible with fundamental democratic freedoms. Queensland should not adopt or entrench legislative approaches that place it at odds with these democratic and human rights standards.

If the objective of this legislation is genuinely to reduce hatred and violence in Australia, it must be recognised that criminalisation cannot achieve this goal. The only sustainable way to prevent hate in society is through social cohesion—through policies and programs that bring people together, address fear and misinformation, and build trust across communities. This is where government investment must be directed.

History and contemporary research consistently show that violence is most likely to emerge where collective narratives of victimhood and blame are cultivated for political purposes. When entire communities are implicitly constructed as dangerous, disloyal, or threatening, the social conditions for violence are created. In the current context, Muslims and Palestinians have been particularly exposed to this dynamic. Narratives that subtly frame these communities as security risks do not protect society, but rather, foster division.

There are numerous documented reports of a sharp rise in Islamophobia and hate incidents in Australia, including verbal abuse, physical attacks, bomb threats, and the intimidation of Muslim women and children. Through our activism, we experience and witness hate speech and hostility directly and regularly. We also cannot forget that the Christchurch mosque massacre was carried out by an Australian white supremacist who chose to commit his attack in New Zealand; the same violence could just as easily have occurred here.

This Bill and the governmental statements around it risk entrenching precisely the kind of logic that enables such violence: the construction of certain communities as inherent threats.

This must be carefully avoided. Instead, the government must commit to serious investment in peacebuilding, community dialogue, education, and social-cohesion programs that address the root causes of hatred: fear, misinformation, exclusion, and political scapegoating. While such measures may extend beyond the immediate scope of this Bill, they must form the primary response of government if the objective is to build a safer and more cohesive society.

Final Recommendation

We recommend that the sections of the Bill that create powers to ban slogans and symbols, criminalise political expression, and limit rights and freedoms be removed in their entirety.

Rather than expanding criminal law into the sphere of political expression and protest, the Queensland Government should establish a comprehensive, evidence-based strategy to combat hate in Queensland, grounded in:

- meaningful consultation with affected communities,
- independent human rights bodies and civil liberties organisations,
- peace, conflict resolution, and social cohesion experts, and
- community-led initiatives that build trust and resilience.

A constructive model can be found in Aotearoa New Zealand's response following the Christchurch attacks, where a focus on community engagement, social cohesion, and human rights–based approaches has informed national strategies to address hate and extremism. Queensland would be better served by investing in similarly inclusive, preventive, and rights-respecting approaches, rather than introducing broad speech restrictions that undermine democratic freedoms.

Monica Carrer, PhD

Peace and Conflict Studies scholar

Lead organiser, Free Palestine Townsville

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