

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

Submission No: 314

Submission By: National Tertiary Education Union

Publication: Making the submission and your name public



UQ NTEU SUBMISSION : 16/02/2026

University of Queensland Branch of the National Tertiary Education Union (NTEU)

Seddon Building, The University of Queensland, St Lucia Campus, QLD 4072

Email: [REDACTED]

Phone: [REDACTED]

The University of Queensland Branch of the National Tertiary Education Union (NTEU)—the union of staff at UQ—welcomes this opportunity to make our submission to the Justice, Integrity and Community Safety Committee, Queensland Parliament, regarding the *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026*.

The University of Queensland (UQ) has a long history as a site of public debate and protest. The principle of academic freedom, along with freedom of expression and freedom of assembly, is a cornerstone of university life which UQ staff and students have proudly upheld throughout UQ's history. Universities are places for education, debate, and protest, and they are legally and morally required to protect the rights of all members to engage in these activities of learning.

The right to protest and free speech has not always been an accepted practice at UQ. Those in Queensland who lived through the oppression of the Bjelke-Petersen government were often exposed to rules and regulations which severely limited these fundamental rights. In 1977, then Premier Bjelke-Petersen declared that the days of the street march were over, sparking a wide-spread response including marches across the state, including at UQ. Whilst the police brutality of the 1970s has not been experienced in recent years, the insidious overreach of government, the threat of police violence and abuse of authority have again become evident, particularly in light of the recent actions of the NSW police and government to restrict free public expression. In the 1970s and 1980s, the UQ community was at the forefront of challenging the draconian impositions of Bjelke-Petersen leading to major legislative reforms, including the *Peaceful Assembly Act 1992*, recognising the right to assembly and protest.

Sections of the proposed law pose direct threats to the right to freedom of speech, freedom of assembly and academic freedom. It would be profoundly unjust for the Queensland Parliament to enact legislation that curtails these freedoms—rights foundational to democratic governance and the pursuit of knowledge—without clear evidence of the necessity or demonstrable gaps in existing law. In seeking to combat hatred, the Queensland Parliament must not erode the very civil liberties that enable open inquiry, dissent, and rigorous public debate in a free society that are required to expose the underlying causes of hatred.

Statement of Opposition

The UQ Branch of the NTEU strongly opposes the *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026* in its current form. We recognise the gravity of firearm-related criminality and the necessity of effective regulation to protect public safety. Having reviewed the proposed bill and the explanatory notes, however, we write to oppose the amendments to the Criminal Code contained therein which threaten freedom of expression and academic freedom. Existing Commonwealth criminal law already prohibits urging violence against groups and individuals, while Queensland law criminalises serious vilification and incitement to hatred under the *Criminal Code* (Qld) and the *Anti-Discrimination Act 1991* (Qld). In light of these established offences, the introduction of additional, broadly framed speech crimes risks duplication and overreach rather than addressing any demonstrated gap in the current legal framework. We assert that there is a strong risk of overreach and the Bill may have unintended consequences for universities, research, and teaching, and that it will have a chilling effect on public discourse.

The NTEU is an actively anti-racist union and vocally and unequivocally condemns all forms of racism—including antisemitism, Islamophobia and anti-Palestinian racism. This Bill does not address the core drivers of racism and will do nothing to combat antisemitism. Rather, it will create a dangerous overreach that threatens democratic freedoms (including academic freedom), suppresses legitimate political protest, and disproportionately targets communities advocating for Palestinian human rights.

Below, we outline our areas of concern and highlight those provisions within the Bill that engage rights protected under the *Human Rights Act 2019* (Qld), including: freedom of expression; peaceful assembly and freedom of association; freedom of thought, conscience, religion and belief; and fair hearing.

First, section 21 of the *Human Rights Act 2019* (Qld) protects the right to seek, receive and impart information and ideas of all kinds, including political communication. The proposed offence directly limits that right. The Bill creates a new criminal offence for the public recital, publication, distribution or display of a “prohibited expression” prescribed by regulation, where the expression might reasonably be expected to cause a person to feel “menaced, harassed or offended” (s 52D(1)(b)). The Explanatory Notes make clear that chants and protest placards fall within scope, and that expressions will be prescribed by regulation based on Ministerial satisfaction.

Australian criminal law traditionally intervenes where speech incites violence, threatens serious harm, or crosses a clearly defined threshold of unlawful vilification. The inclusion of “offended” as a trigger for criminal liability marks a significant and troubling departure from that principle. Offence is inherently subjective and contingent; it is not equivalent to incitement or threat. By setting the threshold at potential offence, the Bill extends criminal sanction into the realm of contested political speech and scholarly debate.

Such breadth generates legal uncertainty. When the boundary between lawful criticism and criminal liability is unclear, institutions respond conservatively. Uncertainty about what speech is lawful will only further encourage risk-averse university managements to introduce further measures to censor discussion of contested and political topics (already undertaken at UQ), as well as drive further self- and peer-censorship by academics and students alike. In university contexts—where analysing extremist rhetoric, dissecting hateful ideologies, or engaging in provocative critique is pedagogically necessary—the possibility of criminal sanction will have a further chilling effect on academic inquiry and suppress legitimate intellectual exploration.

For these reasons, the UQ Branch of the NTEU urges the Committee to amend the Bill. At a minimum, “offended” must be removed as a criminal threshold. Liability should be confined to incitement to violence or serious hostility, consistent with existing Commonwealth incitement provisions and Queensland’s recent reforms to serious vilification. Criminal law must remain tightly tethered to demonstrable harm, not subjective offence.

Second, the UQ Branch of the NTEU finds the reversal of the evidential burden in this Bill deeply troubling. The offence is structured so that an academic must rely on a “reasonable excuse” defence, thereby bearing the evidential burden of proving that their conduct was educational or in the public interest. Although proposed s 52DA(2)(a)(i) lists educational and public interest purposes as possible excuses, this drafting places scholars and students in the extraordinary position of having to defend their teaching, research, or learning in the context of criminal proceedings. It shifts the framework from the State having to prove wrongdoing, to academics having to justify legitimate scholarly activity.

Such a structure is unnecessary and disproportionate, as it:

- places scholars and students at risk of having to defend their work in criminal court;
- chills lawful but contested scholarship, including research into extremist movements, terrorism, antisemitism, and political violence;
- undermines the fundamental criminal law principle that the prosecution must prove all elements of an offence.

These risks are compounded by other elements of the Bill, such as the expansion of the prohibited symbols regime. The Bill allows the executive to designate “prescribed organisations” by regulation. Once designated, any symbol used by such an organisation may fall within the offence framework. Crucially, liability does not depend on actual knowledge. It is enough that a person “ought reasonably to have known” that a symbol was associated with a prescribed organisation.

In academic contexts, symbols are frequently examined and critiqued: scholars and students may use symbols in lectures, reproduce them in research publications, or analyse them in conference presentations. Extremist groups often use evolving, coded, or context-dependent symbols that are not widely recognised (see, for example, the resources showing the evolution of right-wing and fascist symbols on *hatepedia.ca*). Meanings shift over time. Associations may not be obvious. Under a constructive knowledge standard (as put in the Explanatory Notes), an academic who displays a symbol for critical analysis could face uncertainty about whether a court might later conclude they “ought” to have known of its association.

When legality depends on evolving executive designations and an imprecise knowledge standard, clarity is lost. Academic freedom cannot operate in conditions of legal ambiguity. The predictable consequence is risk aversion: academics may avoid certain topics, managers may discourage contentious teaching, and students may hesitate to engage in robust debate. This chilling effect (maybe driven not by actual prosecution but by the possibility of it) strikes at the core of academic freedom. The corollary impact is that our educational institutions lose the agency required to examine and counteract hatred in our society.

We further note that Section 13 of the *Human Rights Act 2019 (Qld)* requires that any limitation on rights impair them “as little as possible.” Framing academic activity as a defence, rather than explicitly excluding it from the scope of the offence, is not the least restrictive means of achieving the Bill’s objectives. If Parliament proceeds with these offences, exclusions for academic, research, journalistic and public interest purposes must be embedded within the definition of the offence itself, not

relegated to a defence. Clear and publicly-available prosecutorial guidelines must also be issued to ensure that lawful academic and journalistic activity is not subject to criminal sanction.

Third, the UQ Branch of the NTEU is deeply concerned with the practical operation of this Bill, which we believe is directed at constraining contemporary pro-Palestinian political expression rather than addressing demonstrable gaps in existing criminal law.

The following sections of the Bill and Explanatory Notes underscore this belief:

- The Explanatory Notes blur the distinction between antisemitism and legitimate political advocacy concerning the rights of Palestinians. Conflating hatred directed at Jewish people with criticism of a foreign government or support for Palestinian self-determination risks suppressing lawful political expression.
- Although Palestinians are not explicitly named in the Bill, the surrounding political context and public messaging by the Premier suggest that the measures are intended to disproportionately affect Palestinian community members and those advocating in solidarity with them. This is particularly troubling given that Palestinians are themselves a protected group under international human rights law, including rights to cultural identity and self-determination.
- The Bill does not acknowledge the substantial and growing public movement in Queensland advocating for Palestinian human rights. Social cohesion is better served through dialogue, education, and principled debate than through measures that may be perceived as silencing or marginalising a particular community's history and political claims. Legislation that appears to disproportionately affect members of a specific religious, ethnic or political community risks eroding public trust and deepening social division rather than reducing it.

Furthermore, any legislation that restricts freedom of political communication (an implied constitutional freedom) represents a dangerous step, harkening back to the days of the repression of freedoms of speech and assembly under the Bjelke-Petersen regime. Any legislative framework that risks suppressing lawful political advocacy demands the highest level of scrutiny and democratic accountability. Clearly, the drafters of this Bill are aware of these risks and are choosing to pursue this legislation regardless. The shockingly truncated consultation period (allowing less than a week for public submissions) is a sure sign that the drafters of this Bill sought to undermine democratic deliberation. Laws that have the potential to significantly impact minority communities and restrict political expression require careful, transparent consultation, not accelerated passage.

The UQ Branch of the NTEU supports decisive action against antisemitism and violent extremism. However, the means adopted must be carefully calibrated to avoid encroachment upon freedom of expression, academic freedom, and procedural fairness. Universities function as sites of critical inquiry, dissent, and democratic engagement. Legislative responses to hatred and violence must preserve, not undermine, those foundational freedoms. The Bill, in its current form, risks criminalising legitimate political expression and threatens academic freedom. The elements that we oppose, listed above, will not safeguard Jewish communities; we believe they have been introduced disingenuously to suppress advocacy for Palestinian rights and to undermine civil liberties in our state.



Professor Andrew Bonnell

President, University of Queensland Branch, The National Tertiary Education Union
Seddon Building, The University of Queensland, St Lucia Campus, QLD 4072

Email: [REDACTED]

Phone: [REDACTED]