

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

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Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system

Justice, Integrity and Community Safety Committee
By Email: jicsc@parliament.qld.gov.au

Dear Members of the Committee

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

Sisters Inside welcomes the opportunity to provide this submission to the Justice, Integrity and Community Safety Committee in relation to the *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026* (the Bill).

Sisters Inside is an independent, Aboriginal-led organisation that has worked for more than three decades alongside criminalised women, girls and families across Queensland and nationally. The majority of women we work with are Aboriginal and Torres Strait Islander women. Our work is grounded in lived experience, community knowledge and a deep understanding of how criminal law operates in practice, not only as written, but as enforced.

We unequivocally condemn antisemitism, racism, religious hatred and violence. We recognise the devastating harm caused by the Bondi Beach terrorist attack and affirm the right of all faith communities, to safety, dignity and freedom from violence.

Sisters Inside stands in unwavering solidarity with Palestinian people and with all peoples subjected to genocide, occupation and state violence anywhere in the world. As an Aboriginal-led organisation grounded in resistance to colonial violence and the ongoing criminalisation of truth-telling, we recognise the profound importance of the right to speak openly about genocide, war crimes and mass civilian harm. Many of the women and communities we work alongside are engaged in political education, protest and collective mourning in response to the catastrophic and ongoing destruction of Palestinian life. We are deeply concerned that legislation which expands criminal offences, broadens police powers and relies on vague thresholds around offence, intent or association will be used to suppress or deter lawful political expression in support of Palestine and in opposition to genocide. Laws framed as protecting community safety must not become tools that silence dissent, punish solidarity or restrict the ability of communities to expose and oppose mass violence. The right to organise, protest, grieve and speak truth about genocide is fundamental to any democratic society. Sisters Inside rejects all forms of genocide and state violence and affirms the necessity of political action, public solidarity and truth-telling in the pursuit of collective liberation and justice.

At the same time, Sisters Inside holds serious concerns about the cumulative impact of this Bill. While framed as necessary for community safety, the Bill significantly expands police powers, increases maximum penalties, lowers thresholds for covert surveillance and pre-emptive criminalisation, and relies heavily on post-charge “reasonable excuse” defences to manage substantial incursions on freedom of expression, cultural rights and political communication.

Our experience tells us that when laws are drafted broadly and justified through community safety narratives, they are not enforced evenly. They are enforced most heavily against criminalised people, Aboriginal communities, young people, political dissenters and those already subject to heightened surveillance.

The Committee must consider not only the stated objectives of this legislation, but its foreseeable operational impact on the communities most likely to be policed under it.

Context: Criminalisation, Policing and Lived Experience

Sisters Inside works daily with women and families living under intense police and state scrutiny. For many communities, particularly Aboriginal communities in Queensland, expanded police powers do not arrive neutrally. They arrive layered onto existing racial profiling, over-policing, discretionary enforcement and a long history of criminalising resistance, race, poverty and survival.

The Bill must therefore be assessed in its operational context. Provisions that expand search powers, broaden surveillance thresholds, introduce new preparatory offences and rely on post-charge defences will operate within an already unequal enforcement environment.

Sisters Inside is concerned not only with how this legislation is intended to operate, but how it will operate in practice once filtered through discretionary policing, uneven enforcement and existing patterns of racialised surveillance.

Hate Speech Provisions and the “Reasonable Excuse” Framework

Sisters Inside is particularly concerned by the Bill’s reliance on a “reasonable excuse” or “legitimate purpose” defence to protect artistic, cultural, educational and public interest expression.

The distinction between a defence and a clear statutory exemption is not merely technical. It has significant operational consequences.

A defence operates only after police investigation or charge has commenced. It does not prevent:

- police investigation;
- laying of charges;
- stop, search and seizure powers;
- legal costs;
- reputational harm;
- operational disruption; or
- the chilling effect of enforcement uncertainty.

In practical terms, this means cultural practitioners, Elders, community organisations and individuals could be exposed to investigation or charge before the defence is ever tested. Even where the defence ultimately succeeds, the process itself can be punitive.

For organisations engaged in public cultural, educational or truth-telling work, this distinction is critical. Exposure to investigation before a defence is established introduces criminal uncertainty into lawful activity and programming decisions.

Operational Consequences of a Defence-Based Model

Organisational and Governance Risk

Many Aboriginal community-controlled and Aboriginal-led organisations and grassroots groups are governed by volunteer boards with fiduciary duties. Where programming or public activity carries plausible criminal exposure based on alleged intention to cause offence, boards are required to treat programming decisions as potential criminal-risk decisions.

This creates:

- increased legal review of programming and public events;
- higher compliance and advisory costs;
- insurance uncertainty or exclusions;
- potential increases in directors' and officers' insurance premiums;
- reluctance of individuals to serve on boards where personal exposure is perceived.

Where criminal uncertainty exists, the rational response of directors is risk minimisation. The likely outcome is more conservative programming and reduced willingness to host public forums, cultural events or truth-telling activities that engage with contested issues.

The risk is not theoretical. Volunteer board members are unlikely to accept personal exposure to criminal investigation arising from lawful cultural or political expression. Over time this may lead to board attrition or difficulty recruiting suitably qualified directors.

Operational and Programming Impact

Community organisations, festivals, advocacy groups and cultural spaces regularly host work and discussions addressing:

- colonisation and dispossession;
- sovereignty and land rights;
- religion and political movements;
- war and international conflict;
- historical and ongoing injustice.

Such work may be confronting or strongly expressed. That alone does not constitute hate conduct. However, if an allegation of intent to cause offence can trigger investigation prior to the application of a defence, operational risk settings will change immediately.

This creates structural pressure toward self-censorship driven by risk management rather than community need, cultural authority or artistic judgment.

First Nations Cultural Expression and Truth-Telling

The implications of the Bill for First Nations communities are particularly significant, especially in regional and North Queensland contexts.

Traditional Owner groups and Aboriginal community organisations regularly engage in ceremony, storytelling, dance, education and public commentary that includes truth-telling about colonisation, dispossession, systemic racism and state violence. Cultural authority includes the right to speak directly about historical and ongoing injustice.

While some audience members may disagree with or feel uncomfortable about such commentary, disagreement or discomfort should not expose Elders, cultural leaders or community organisations to investigation before a defence is applied.

Where offences are framed around conduct that could “reasonably be expected” to cause offence, and where intention may be inferred, there is a real risk that lawful cultural expression or truth-telling could be captured, particularly when assessed through non-Indigenous interpretive frameworks.

Uncertainty in drafting may discourage public cultural expression and truth-telling and create a chilling effect on community-led education and dialogue.

Due to the extremely limited consultation timeframe for this Bill, Sisters Inside has not been able to undertake direct consultation with First Nations communities regarding these provisions. This submission does not purport to speak on behalf of those communities. However, we note with concern that it is unlikely that clear and accessible information about the Bill has been communicated to many First Nations communities who may be affected by it.

Meaningful consultation with First Nations communities must occur prior to the passage of legislation that may affect cultural expression and practice.

Comparative Legislative Clarity

Section 18D of the Racial Discrimination Act 1975 (Cth) provides explicit protection for artistic works, academic discussion and genuine public interest commentary undertaken reasonably and in good faith. That statutory clarity materially reduces exposure for artists, Elders, academics and community organisations engaging in cultural expression or public commentary.

The Queensland Bill does not currently provide equivalent certainty. Instead, it relies on post-charge defences that only operate after enforcement action has occurred.

The inclusion of explicit statutory exemptions at the definitional stage of the offence would provide clarity, reduce unnecessary investigation and better align Queensland law with established Commonwealth protections.

Expansion of Police Powers and Surveillance

Beyond the hate speech provisions, Sisters Inside is deeply concerned about the cumulative expansion of police powers throughout the Bill.

These include:

- expanded warrantless stop, search and seizure powers;
- lowered thresholds for controlled operations and surveillance device warrants (from seven years to three years);
- broadened pre-emptive “preparation” offences;
- expanded Firearm Prohibition Order powers, including search powers applying to people merely in the company of someone subject to an order;
- removal of review mechanisms for orders affecting children;
- expanded intelligence-sharing arrangements, including with the Australian Defence Force.

These changes represent a significant shift in the balance between civil liberties and state power. While framed as proportionate and safeguarded, experience shows that such powers are frequently used disproportionately against marginalised communities.

Lowering thresholds for covert policing powers normalises extraordinary surveillance tools for increasingly ordinary conduct. Expanding warrantless search powers increases the likelihood of discriminatory enforcement.

Children and Young People

Sisters Inside is particularly concerned by provisions that expand Adult Crime, Adult Time settings and extend harsh weapons-related penalties to children.

Queensland already has some of the most punitive youth justice settings in Australia. Expanding adult penalties and long-term prohibition orders for children entrenches criminalisation rather than addressing harm or supporting community safety.

The removal of review requirements for orders affecting children further undermines safeguards and risks long-term consequences for children and young people already experiencing significant disadvantage.

Proportionality and Effectiveness

There is limited evidence that increasing maximum penalties, expanding preparatory offences or broadening surveillance powers prevents violence or extremism.

Evidence consistently demonstrates that:

- over-policing erodes community trust;
- broad criminal laws are enforced selectively;
- criminalisation disproportionately impacts Aboriginal and marginalised communities; and
- sustainable safety is built through community-led responses, not expanded punishment.

Legislation introduced in response to tragedy must be carefully calibrated to avoid creating new harms or entrenching existing injustices.

Recommendations

Sisters Inside respectfully recommends that the Committee:

1. Insert explicit statutory exemptions, rather than relying solely on post-charge defences, for:
 - First Nations cultural ceremony and protocol;
 - traditional storytelling, dance and cultural education;
 - artistic works and performance;
 - academic and educational activity;
 - genuine political and historical commentary undertaken in good faith.
2. Align the Bill with section 18D of the Racial Discrimination Act 1975 (Cth) to provide clear protection for artistic, cultural and public interest expression undertaken reasonably and in good faith.
3. Remove warrantless stop, search and seizure powers linked to prohibited expressions and symbols.

4. Maintain higher offence thresholds for controlled operations, surveillance and covert policing powers.
5. Reject expansion of Adult Crime, Adult Time provisions and restore review safeguards for orders affecting children.
6. Undertake meaningful consultation with First Nations communities and organisations prior to passage of the legislation.
7. Commission an independent human rights and racial impact assessment of the Bill.

Conclusion

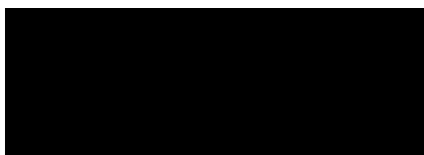
Sisters Inside recognises the imperative to address religious hatred and violence. However, legislation introduced to respond to harm must not create new forms of harm or silence communities already subject to disproportionate policing and surveillance.

A framework that relies on post-charge defences, expands police powers and increases penalties risks entrenching criminalisation without improving safety.

Community safety cannot be built through surveillance and punishment alone. It must be built through trust, clarity, proportionality and respect for cultural rights and freedoms.

We urge the Committee to carefully consider the operational impacts of this Bill and to ensure that efforts to address hate and violence do not inadvertently criminalise lawful cultural expression, community dialogue and truth-telling.

Yours sincerely



DEBBIE KILROY OAM
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