

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

Submission No: 327
Submission By: Stephen Heydt
Publication: Making the submission and your name public

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

To: The Justice, Integrity and Community Safety Committee

From: Stephen Heydt, Jewish, Clinical Psychologist (biography detailed below).

Date: February 16, 2026

Executive Summary

This submission only addresses the "Fighting Antisemitism" elements of the Bill.

10 The Government's efforts to address any and all violence, discrimination and racism, are acknowledged. The proposed criminalisation of symbols and speech to improve social cohesion and fight antisemitism is, nevertheless, an inappropriate strategy that is likely to have unintended consequences. Any effect, as evidenced by fifty years of published research into violent radicalisation, is likely to be the opposite.

Behavioural limitations: while legislation can proscribe outward conduct it cannot regulate the human psyche, and consequent behaviour.

Perverse consequences: banning speech ("expressions") and ("hate") symbols may provoke or excite psychological reactance.

The illusion of security: even when coupled with firearms restrictions, these measures cannot prevent a determined assault by individuals with extreme ideological views who hold no regard for their own or others lives.

20 Religious & political inconsistency: possibly prohibiting flags containing devotional text risks criminalising core religious tenets and legitimate political aspiration, through a demonstrable double standard.

Social cohesion: there is nothing apparent in the Bill that addresses this, other than its solitary mention in each of the 'Explanatory Notes' and 'Statement of Compatibility'.

Social cohesion is a complex issue and its use in this political context seems at odds with its extensively held understanding as articulated, for example, in The Scanlon Foundation Research Institute, 2025, Mapping Social Cohesion Report¹.

Submission

1. Psychological Reality

30 Proscribing ideology is not possible. Criminalising speech (expression) and (hate) symbols does not remove the ideology and merely conceals it. Repressing its expression makes its possible violent manifestation increasingly likely.

In work with jihadis, (failed or pre-) suicide bombers, other violent activists, 'terrorists', including in deradicalisation / reintegration programs², the primary challenge is the mental narrative. Antisemitism, anti-Islamism, racism and violent extremism are inner ideologies

¹ O'Donnell, James, Alice Falkiner and Katarzyna Szachna. Mapping Social Cohesion 2025. Scanlon Foundation Research Institute, 2025. <https://scanloninstitute.org.au/mapping-socialcohesion-2025>

or pathologies. They arise from internalised hatred, even if their catalysts and reinforcers may be external.

The greatest catalysts for hatred are perceptions of inferiority of experience, entitlement, others malignity, and injustice to self or similar.

- 40 Some people, as a result of attributes, experience, or context, including perceptions of discrimination, are more susceptible to the influence of others, or externalities.

The greatest promoters of a perception of social injustice are a partisan media and political parties and their operatives and members, seemingly encouraged in an effort to carve a niche of support. Constructive policies, regulation and legislation are infrequent to entirely absent.

- 50 The Bill under consideration appears to focus on symptoms, namely, speech, flags and slogans. In the unlikely event that an individual is speaking or displaying a prohibited symbol, with the intent to cause injury rather than offence, the psychological moral separation or distancing is already complete. This includes dehumanising and the normalising of violence.

It is antithetical that those most inclined to do real harm will make their personal views known in advance. Proscribing the behaviours of peaceful, noisy, disrupting protesters or non-violent activists through this legislation may provide a veneer of control but will never stop a motivated actor.

To suggest that banning a piece of fabric or a specific phrase "fights" or mitigates antisemitism, at best, provides a false sense of security to the public while failing to address the radicalisation process. In actuality, clinical work and research indicates that this type of legislation is more likely to reify rather than mitigate fears of a lurking invisible threat.

- 60 There is an important need to differentiate between violent antisemitism and speech intended to provoke and even offend. Its conflation especially over the past two years has been mischievous. Exhorting media and online groups to exacerbate a sense of offence when members are not privy to its fact and have no direct knowledge has the opposite effect to instilling safety and cohesion.

- 70 The continuous highlighting of extreme offence and even distress caused by various, non-violent acts, including minor vandalism, is much more likely to engender further such acts. This behaviour is of the order of the ubiquitous online or public trolling, where any response is seen as an affirmation or recognition. This is no more than the most elementary example of operant conditioning of behavioural psychology, where all attention is proven to be reinforcing.

2. Perverse Consequences:

As a psychologist, I am deeply concerned that this legislation will produce the opposite of its intended effect.

When any behaviour is prohibited and therefore repressed, there are always those few who react adversely with aggression. This is called psychological reactance^{3,4}. This was evident during the pandemic. For at-risk youth and adults, a banned organisation, symbol or phrase becomes a badge of authentic resistance, making extremist groups and consequent behaviours more attractive to the marginalised.

80 Punishing individuals for causing offence through speech or symbols provides extremist recruiters with a powerful grievance narrative. It reinforces the claim that the State is an instrument of oppression, which is a key component of radicalisation. By doing so it grants symbols, logos and hate speech an allure that aids recruitment and radicalisation, and drives it underground, its illicit nature being a further potential attraction.

Visible behaviours can act as a diagnostic tool for law enforcement and clinicians. Another risk of suppression is that driving these symbols into private or encrypted spaces loses the ability to monitor extremist sentiment.

3. Discrimination and a double standard:

90 While the specific symbols and expressions that may be the focus of the Bill are not identified, in itself concerning, the possibility of invoking the Bill in connection with some expressions and symbols is likely to be discriminatory and potentially creates significant clinical and social friction.

Any intention to ban Hamas or ISIS flags ignores the fact that they display the Shahada ("There is no god but Allah; Muhammad is the messenger of God") and the Seal of Muhammad. Unless the intention is to outlaw all expressions of devotion this is discriminatory.

While not speaking for them, criminalising these by regulation may be perceived by the broader Muslim community as an attack on the central tenets of their faith.

100 The Israeli Flag is a deeply offensive symbol to many Muslims around the world. It has been waved at vigils and rallies in Brisbane for Gazans, and peacefully ignored by those praying and assembling, and exemplarily managed by Queensland Police. Similarly the singing of the Israeli national anthem, 'Hatikvah' (The Hope) is abjectly distressing to many and yet has been publicly expressed in official contexts where attending Muslims are expected to show respect. This seems no different to the Russian national anthem at a gathering of Ukrainians.

Perhaps most ironic, if intended, is that the possible banning of the phrase "from the River to the Sea" ignores its use across the political spectrum. The Jewish Virtual Library (project of the American-Israeli Cooperative Enterprise, endorsed by Israeli Prime Minister Netanyahu and U.S. President Trump) notes that the original 1977 Likud Party platform and to this day states, "...between the Sea and the Jordan there will only be
110 Israeli sovereignty."

In a democracy, causing offence, whether by oral speech, written word, symbol or logo, should be met with counter-speech and education, not criminal sanction.

3 Rosenberg, B. D., & Siegel, J. T. (2025). Psychological reactance theory: An introduction and overview. *Motivation Science*, 11(2), 133. (<https://psycnet.apa.org/fulltext/2026-21323-001.html>)

4 [https://en.wikipedia.org/wiki/Reactance_\(psychology\)](https://en.wikipedia.org/wiki/Reactance_(psychology))

Recommendations for an evidence-based approach

There is nothing apparent in the legislation that addresses any of the issues raised by Mr Mike Burgess AM, Director-General of Security in his ASIO, 2025, Lowy Lecture⁵.

He stated, inter alia,

"Political differences, political debates and political protests are essential parts of a healthy democracy.

120 "Unfortunately, here and overseas, levels of personal grievance and frustration are growing.

"Rightly or wrongly some Australians feel dispossessed, disaffected, disenfranchised. There are spikes in polarisation and intolerance.

"Many of the foundations that have underpinned Australia's security, prosperity and democracy are being tested:

- Social cohesion is eroding,
- Trust in institutions is declining, and
- Even truth itself is being undermined by conspiracy, mis- and disinformation.

"Similar trends are playing out across the Western world.

130 "Angry, alienated individuals are embracing anti-authority ideologies and conspiracy theories; engaging in uncivil debate and unpeaceful protest.

"Some are combining multiple beliefs to create new hybrid ideologies."

Rather than pursuing the current punitive framework, I recommend the following:

1. Redirect resources towards child and youth education and multicultural engagement. Building mutual respect and cognitive flexibility at an early age is the only effective long-term defence against extremist ideologies. There is extensive published research on socially just teaching personal and social responsibility (SJ-TPSR)⁶. Notwithstanding research leadership in Australia, the absence of an effective curriculum is apparent nationally.
- 140 2. Research indicates that intercultural experience of all groups, by all groups is much more useful than, for example, teaching about the Holocaust. In this regard it was observed that no Government representatives were present at a recent Palestine Day celebration in Brisbane, which one thousand people attended. While First Nations and many other denominations were represented by leaders, no other members of the Jewish community attended. On the other hand, vigils for Bondi victims were extensively supported by Muslim and Christian leaders.
3. It is to be hoped that this and other submissions may cause reconsideration of this legislation. Notwithstanding, should it proceed there is a need to protect clinical and

⁵ <https://www.intelligence.gov.au/asio-2025-lowy-lecture#>

⁶ Scanlon, D., Coulter, M., Baker, K., Iannucci, C., Calderón, A., Luguetti, C. N., ... & OLoughlin, N. M. (2025). Developing guiding principles for the Socially-Just Teaching Personal and Social Responsibility (SJ-TPSR) approach: lessons learned from a collaborative self-study. *Curriculum Studies in Health and Physical Education*, 16(3), 423-443.

educational contexts to ensure an ability for good faith exemptions for educators, psychologists, social workers, and researchers to deconstruct any hateful and violent ideology. They must be able to discuss the language and display the symbols the state seeks to hide.

4. Palestinian and Jewish and other minority community leaders need to be supported in developing their own and cooperative de-escalation programs. State-mandated silence is less effective than community-led dialogue.

Conclusion

The 'Fighting Antisemitism' legislation as proposed will have the opposite to its intended effect. It may spur radicalisation, will make combating all forms of racism more difficult for police and intelligence services, and will not and should not assuage real fear.

In Queensland and Nationally, First Nations people for decades, Muslims, at least for the past twenty-five years, and numerous other minorities, and even those marginalised in the majority community, such as homeless and LGBTI, have suffered violence and violent threats, official and unofficial desecration of their safe places, hate speech and negative discrimination. It seems inexplicable that one community should be so singled out by specific legislation.

Biography:

This submission is based on over four decades of individual and group intervention, with trauma survivors, work in deradicalisation with jihadis, and academic reading.

- A mental health clinician in Australia for over 40 years, I am an AHPRA endorsed clinical psychologist (specialities are trauma and disability).
- I was raised in a Zionist family in South Africa, the child of two escapees from Germany,
- I first visited Israel in 1971 with a view to religious training.
- From the age of 16 I was active against apartheid in South Africa, which increased after the Soweto uprising in 1976, my activism eventually necessitating leaving.
- Australia has been my chosen home for 45 years.
- I have worked internationally with Nakba and Holocaust survivors and their subsequent generations since 1985.
- From 2005 to 2010, I worked in Gaza, Palestine, Lebanon, Jordan and Israel (in 2007 seconded to the Extraordinary Chambers in the Courts of Cambodia, ECCC).
- My work has included supporting Australian First Nations, LGBTI+, and refugees from many countries.
- I have worked with Police and other emergency personnel extensively in Queensland and NSW and across other jurisdictions, as well as with Police UN peacekeepers active in Rwanda, Srebrenica, and Lebanon.