

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

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Submission By: National Network of Incarcerated & Formerly Incarcerated Women & Girls

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Submission to the Justice, Integrity and Community Safety Committee

By email: jicsc@parliament.qld.gov.au

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

Dear Members of the Committee

The National Network of Incarcerated and Formerly Incarcerated Women and Girls (the National Network) 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).

The National Network is comprised of criminalised and formerly incarcerated women and girls across Australia, including many Aboriginal and Torres Strait Islander women. Our members bring lived expertise of policing, criminalisation, imprisonment, surveillance and the long-term impact of the punishment system. We speak from direct experience of how criminal law operates in practice, not only as drafted but as enforced.

We unequivocally condemn racism, religious hatred and violence. We affirm the right all communities, to safety, dignity and freedom from violence.

At the same time, the National Network holds serious concerns about the cumulative impact of this Bill and strongly objects to the further criminalisation of offences, expansion of police powers and lowering of safeguards it proposes. 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 introduces new and broadened offences. Our experience tells us that such measures do not operate evenly. They are enforced most heavily against criminalised people, Aboriginal women and girls, young people, people experiencing poverty 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 criminalised women and girls and on communities already subject to disproportionate policing.

Criminalisation and Gendered Impact

Criminalised women and girls are rarely the intended targets of legislation framed around terrorism, extremism or serious organised crime. Yet history demonstrates that when criminal laws are broadened and police powers expanded, it is marginalised communities who experience the most direct and lasting impact.

Criminalised women often live under conditions of constant surveillance and heightened police contact. Many are already subject to intensive policing of public space and housing, routine stop, search and questioning, coercive bail and parole conditions, and criminalisation linked to poverty, homelessness, survival and coercion. Many are also navigating the long-term consequences of domestic and family violence, child removal and systemic neglect.



The introduction of new offences, expanded search powers, preparatory offences and enhanced surveillance thresholds does not occur in a vacuum. It compounds an already dense web of criminalisation. For women and girls, particularly Aboriginal women and girls, the result is not increased safety but increased exposure to police intervention, criminal charges and imprisonment.

Objection to Further Expansion of Criminal Offences

The National Network is deeply concerned by the expansion and creation of additional criminal offences within the Bill, including preparatory and possession-based offences that rely heavily on police interpretation of intent. We strongly object to further criminalisation as a response to social harm.

The expansion of criminal offences framed around preparation, possession or association risks capturing individuals with no intention of causing harm, but who are already heavily policed. Criminalised women often live in shared housing, experience unstable living arrangements and maintain relationships with others who may themselves be subject to policing. Broad offences that attach liability to proximity, association or possession create significant risk for women already living under surveillance.

In practice, intention is frequently inferred from circumstance rather than established clearly. Enforcement relies heavily on police discretion, and those already known to police are most likely to be targeted. For women who are already criminalised, any further expansion of offences increases the likelihood of re-criminalisation, remand and imprisonment.

Criminalisation has never been shown to be an effective tool for preventing violence or addressing extremism. Instead, it entrenches surveillance and punishment without addressing underlying causes of harm.

The National Network also wishes to express deep concern about the broader political context in which this legislation will operate, particularly in relation to public discussion of Palestine. Many criminalised and formerly incarcerated women, including Aboriginal women, migrant women and women from refugee backgrounds, are actively engaged in community conversations, protest and truth-telling about the ongoing genocide against Palestinian people. We are concerned that the breadth of proposed offences, combined with expanded police powers and reliance on post-charge defences, will have a chilling effect on lawful political expression and solidarity. Where legislation enables investigation or charge based on alleged intent to offend or perceived association, there is a real risk that public exposure of state violence, including documentation and discussion of the lived reality of Palestinian people, will be suppressed. Laws framed around safety must not be used to silence political speech, community grief, or legitimate protest against war, occupation and mass civilian harm. The ability to speak openly about injustice, including genocide, is essential to any functioning democracy, and criminal law should not be used in ways that deter or punish those who seek to bring truth to light.

Expansion of Police Powers and Surveillance

The Bill represents a substantial expansion of police powers, including broader warrantless stop and search powers, lowered thresholds for surveillance and controlled operations, expanded preparatory



offences and extended search powers linked to Firearm Prohibition Orders and association. It also expands intelligence-sharing frameworks.

For criminalised women and girls, expanded police powers translate directly into increased contact with police and increased likelihood of criminal charges. Lowering thresholds for surveillance and covert policing normalises extraordinary policing tools and increases the likelihood that they will be used in situations far removed from the extreme scenarios used to justify them.

Search powers linked to association or proximity are particularly concerning. Many criminalised women live in shared housing, crisis accommodation or unstable environments. Powers that enable search of individuals based on association with others expose women to further criminalisation simply by virtue of who they live with or are connected to. These provisions risk deepening the over-policing of women and girls without improving safety.

Hate Speech Provisions and Criminalisation Risks

The National Network is concerned that the hate speech provisions, while framed as protective, rely heavily on criminal enforcement and post-charge defences rather than clear exemptions and preventative safeguards. Criminalised women and girls already experience disproportionate enforcement of public order and expression-related offences. The creation or expansion of offences linked to expression, symbols or alleged intent to offend risks further entrenching this pattern.

A defence operates only after investigation or charge has commenced. It does not prevent police intervention, legal costs, reputational harm or disruption to employment, housing or family responsibilities. For criminalised women, even short-term involvement in the criminal legal system can have profound consequences, including loss of housing, loss of child custody, breach of bail or parole and further criminalisation.

Where laws rely on post-charge defences rather than clear exemptions, the process itself becomes punitive. The existence of a defence does little to protect those who cannot afford legal representation or who are already navigating multiple layers of criminal legal system involvement.

Impact on First Nations Women and Girls

Aboriginal and Torres Strait Islander women and girls are already the most incarcerated population in Australia. Any expansion of police powers, surveillance and criminal offences will disproportionately impact them.

Broad criminal provisions and expanded search powers operate within a context of systemic racism and over-policing of Aboriginal communities. The risk of discriminatory enforcement is not hypothetical. It is ongoing and well documented. The Bill risks intensifying these patterns. The legislation may also affect First Nations women and girls engaged in protest, community organising, cultural expression and political advocacy. Where offences are broadly framed and intention can be inferred, lawful political or cultural expression may be subject to police attention and potential criminalisation.



The extremely limited consultation timeframe for this Bill has not allowed for meaningful engagement with Aboriginal and Torres Strait Islander women and communities. Legislation that will so clearly affect them must not proceed without proper consultation and consideration of impact.

Children and Young Women

The National Network is particularly concerned by provisions that extend punitive approaches to children and young people, including the expansion of Adult Crime, Adult Time settings and harsh penalty frameworks. Many girls in the youth justice system are themselves victims of violence, abuse and exploitation. Increasing penalties and expanding criminal offences will not address these realities. Instead, such measures deepen criminalisation and increase the likelihood that girls will become entrenched in the criminal legal system.

Queensland already has some of the most punitive youth justice settings in the country. Further expansion of adult-style penalties and long-term prohibitive orders for children risks normalising the imprisonment of young women and girls rather than investing in prevention, care and community-based support.

Proportionality and Effectiveness

There is little evidence that increasing penalties, expanding preparatory offences or broadening surveillance powers prevents violence or extremism. Evidence consistently demonstrates that over-policing erodes trust, broad criminal laws are enforced selectively, and criminalisation disproportionately impacts Aboriginal and marginalised communities.

For criminalised women and girls, contact with the criminal legal system rarely produces safety or stability. Instead, it often leads to further surveillance, poverty, housing instability, family separation and re-criminalisation. Legislative responses that expand punishment and police power risk compounding harm rather than preventing it.

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

Recommendations

The National Network urges the Committee to reject provisions that expand criminal offences, police powers and surveillance thresholds, and to assess the Bill through the lens of its likely impact on criminalised women and girls.

We recommend that the Committee prioritise non-carceral and community-based approaches to safety and reject measures that will expand criminalisation without addressing the underlying causes of violence and harm. We further recommend that explicit safeguards be introduced to prevent discriminatory enforcement and that meaningful consultation occur with criminalised women, Aboriginal women and affected communities before any such legislation proceeds.

Conclusion

The National Network recognises the imperative to address racism and violence. However, legislation that expands criminalisation, surveillance and police power will not produce safety for criminalised



women and girls. Instead, it risks deepening their contact with systems that have already caused significant harm.

Community safety cannot be built through ever-expanding criminal law. It must be built through investment in communities, support, housing, healthcare and responses that address harm without reproducing it.

We urge the Committee to carefully consider the gendered and racialised impacts of this Bill and to ensure that efforts to address violence do not result in further criminalisation of those already most heavily policed.

Yours sincerely



Tabitha Lean
16 February 2026