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

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QUEENSLAND COUNCIL FOR CIVIL LIBERTIES
Protecting Queenslanders' individual rights and liberties since 1967

The Secretary
Justice, Integrity and Community Safety Committee
Parliament House
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Dear Madam

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

Kindly accept this submission in relation to the above Bill

1. TIME FRAME

First, we object to the absurd time frame for the making of submissions in relation to this most significant and complex Bill. A period of 6 days is quite frankly ridiculous and without any possible justification.

Having regard to this and the fact that QCCL is an organisation of volunteers, this caveat is even more important: we have not had time to consider let alone comment on all parts of the Bill. This should not be taken as approval.

2. CONSULTATION

The consultation for the significant law changes in this Bill is completely non existent with external stakeholders and is completely contrary to the requirements of the Queensland Cabinet hand book which provides at "6.Consultation":

> "Consultation is a fundamental and mandatory part of all cabinet submissions. Departments initiating a cabinet submission must ensure they consider the interests of other departments and other relevant stakeholders…….consultation should occur early in the development of the proposal with the subsequent cabinet submission consultation phase providing an opportunity to check that all views have been considered.."

6.1 provides "consultation with persons and organisations external to government …. including….special interest groups should be a routine part of policy development.."

At p20 of the Explanatory Notes it is said "on the provisions relating to antisemitism Senior members of Queensland's Jewish community were consulted as the legislation was prepared. Consultation on the proposals in the Bill will occur as part of the parliamentary committee process."

This so-called consultation not only ignores long-established consultation processes in place since the Fitzgerald Inquiry but is totally contrary to the consultation provisions of the Cabinet Handbook.

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The question needs to be asked as to whether there is a new policy by this government to abandon 36 years of consultation post Fitzgerald policy.

And it needs to be made clear that the Committee review process will not result in any changes to the policy underlying the numerous and critically important law changes in this Bill. Experience under both Labor and LNP governments in this State is that the government dominated majority on Parliamentary Committees hardly ever recommend changes to Bills being reviewed other than minor and peripheral changes. The Committee process on this Bill as with all Bills is not consultation. It is about setting in stone policy positions as reflected in the provisions of the Bill.

There is nothing urgent about this Bill. The Bondi terrorist attack occurred on 14/12/25. The Bill was introduced into the Queensland Parliament on 10/2/26. The Premier was quoted during the two-month period since the attack stating that the Queensland government was working calmly and methodically through the government's legislative response to the killings at Bondi.

A consequence of the total lack of consultation on this Bill is that the Committee should demand an extension of the reporting date by at least a further month so that proper rather than an absurdly superficial examination of the Bill's policy ramifications can be undertaken. This is especially relevant and important in light of the ridiculous 3 working days that have been allowed for Committee submissions to be lodged.

A special and important obligation falls on this Committee. Because the government has not consulted outside government departments and agencies the Committee itself needs to undertake detailed research including comparison with interstate laws in relation to the many and varied changes in the Bill. This is especially important as the Explanatory Notes to the Bill are superficial and close to useless as a means of understanding the Bill from an interstate comparative perspective, and generally.

This Bill with its current poorly researched and consultation non existent background will inevitably have consequences in practice that have not even been apparently considered by the closed door policy formulation process

3. PROHIBITED EXPRESSIONS

This part of the Bill applies the existing provisions dealing with prohibited symbols to prohibited expressions, which are to be identified by regulation.

We object to these laws for the same reasons as we did the previous law. Our reasons for doing so were set out in our submission to the Committee's predecessor which can be found here

The particularly objectionable aspect of this law and its predecessor is that words are to be criminalized by Ministerial fiat.

The QCCL unreservedly condemns all forms of racial or religious vilification and discrimination. However, in the Council's view, it is another thing to make the expression of such views illegal. The very test of freedom of speech is that it must be given to those who disagree with you otherwise it is meaningless.

In the end then the difference between those who oppose bigotry but who oppose race or religious hatred laws and those who oppose bigotry and support race or religious hatred laws is threefold:

1. The first puts a high value on freedom of speech and is concerned that any restriction on freedom of speech is itself harmful;

2. That any restriction of speech is likely to be abused particularly as a precedent for future restrictions on freedom of speech;

3. A difference over how best to eliminate bigotry. Is it done best by making speech unlawful or by using speech as a weapon to expose and eliminate prejudice.

The risk of the second problem occurring is made stark and in our view inevitable by the fact that expressions can be criminalized by regulation by decision of the Minister. No one can be certain what type of government may be in power in this State in the future.

The case for laws outlawing hate speech often starts with the concept that words wound.

However, this argument can be taken too far. A clear distance needs to be kept between words and wounds, not least because words are usually offered as the alternative to violence. Only words which incite or very closely resemble violence should be unlawful.

The argument that words wound was criticised in this fashion by Jonathan Rauch in his book *Kindly Inquisitors*[1] at page 131:

> "A University of Michigan law professor said: "To me, racial epithets are not speech. They are bullets…My own view is that words are words and bullets are bullets and that it is important to keep this straight. We do not have to be taint to see what comes after "offensive words are bullets": if you hurt me with words, I reply with bullets, and the exchange is even."

As Rauch argues, this is the logic of the Ayatollah Khomeini when dealing with Salmon Rushdie. There is no doubt that the Ayatollah and many people in Iran were deeply offended by Rushdie's book. They chose to deal with that offence not with more words but with bullets and knives.

As we have noted in our original submission "offence" is not a generalisable criterion for the regulation of speech. In a plural society, much of what we say, others will find offensive. If we want a plural society, we need to defend the freedom to offend

The government's stated intention is to ban phrases like "globalise the intifada"

As the British Journalist and author Kenan Malik put it in his *Observer* Column on 21 December 2025:

> A phrase such as "globalise the intifada" can inevitably be interpreted in many ways, for some expressing solidarity with Palestinians, for others a hatred of Jews. However, one reads it, though, is it plausible to claim that the slogan can incite mass murder?

[1] University of Chicago Press Expanded Edition 2013.

> Sajid and Naveed Akram, the Bondi beach terrorists, appear to have been hardline Islamists and supporters of Islamic State (IS). Do we really imagine that had the phrase "globalise the intifada" been censored, or all pro-Palestinian demonstrations banned, the Akrams would not have perpetrated their horror? To believe this is to refuse to take Islamist terror seriously.

The offence will also be difficult and costly to detect, investigate and prosecute. Given that it not just the prohibited expression but also phrases "likely to be confused with or mistaken for that expression," that are to be criminalised, there is a real and substantial potential for allegations to arise from 'mis-hearings' which would further impact police resources.

The QCCL submits that the Statement of Compatibility (SOC) provided with the Bill is woefully inadequate in demonstrating compatibility with the *Human Rights Act 2019* (HRA)

The Committee should scrutinise, for example:

1. why the government has specifically failed to support the claim in the SOC that existing vilification offences will be insufficient to achieve the Bill's stated purpose with reference to prosecutorial statistics or independent research; and

2. why the government no longer considers the recommendations of the Legal Affairs and Safety Committee's (LASC) Report *Inquiry into serious vilification and hate crimes* (No.22, 57th Parliament) which were enacted in the *Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023*) to reflect sound or adequate public policy, notwithstanding that those recommendations were co-authored by the current Minister for Youth Justice and Victim Support and Minister for Corrective Services, and current Minister for the Environment and Tourism and Minister for Science and Innovation.

4. PROTECTION OF RELIGIOUS WORSHIP

Religious worship is essential to most people's lives. This is true for non-believers as well as believers once we recognise that freedom of religious worship includes the freedom not to worship.

Religious belief is primarily a matter of individual conscience. However, freedom of religion also encompasses the freedom to manifest ones belief in community with others and in public. This is because witness in words and deeds is bound up with the existence of religious convictions.

The State then has a legitimate interest in protecting the right of worship. That right is also protected by the right to free speech. Legislation of this type raises issues similar to what is described as the "heckler's veto". The right to free speech does not protect a speaker from counter speech. Any law protecting the right to worship has to be narrowly tailored to ensure that others can express their contrary views.

In our submission, such a law has the following features: it prohibits speech in public places only if it is intentional, unreasonable, and so near a place of worship as to disturb the order and solemnity of the services

We have no objection to proposed new section 206

The difficulty with proposed section 206A is the use of the words "obstructs". This is too broad a term which does not preclude the possibility that culpability will be based on the subjective reaction of the audience to the speech. The provision should be rewritten to require the obstruction to be "unreasonable".

The amended version of section 207 suffers the same defect. The use of the phrase "disturbs" on its own invites liability based on subjective judgment. A worshipper might say they are disturbed by the mere presence of someone outside the place of worship handing out pamphlets. This could be addressed by inserting the words "and unreasonably" between "willfully" and "disturbs"

5. ACTS IN PREPARATION TO CAUSE DEATH OR GRIEVOUS BODILY HARM

The Explanatory Notes say that this will be a new offence prohibiting acts done in preparation for or planning to commit serious violence. The Notes say the new offence will apply in circumstances where an offender has not decided precisely what they intend to do and will be limited to the preparation for, or planning of, offences likely to cause the death of, or grievous bodily harm to another person.

The new offence is said to be modelled on S10 of the Commonwealth Criminal Code which is headed "acts done in preparation for or planning terrorist acts". The Explanatory Notes do not indicate that this new offence will be limited to terrorist acts or whether it will apply to the general criminal law.

The "Notes on provisions" document attached to the Explanatory Notes are silent on whether this new provision which significantly alters jurisprudence in relation to the concept of attempts to commit an offence is restricted to terrorist preparation activity.

Neither the Explanatory Notes nor the Minister's Introduction Speech give any indication as to how the similar section in the Commonwealth criminal Code has worked in practice especially whether there have been any problems or Court criticisms of the Commonwealth section.

There have been criticisms of the Commonwealth section including:

> [1] that it criminalises conduct earlier than attempt or conspiracy
>
> [2] that it creates pre-inchoate[incomplete] liability and that there are rule of law issues posed by the concept because the boundaries of the offence depend heavily on inference[2].

While the Commonwealth section applies to terrorism offences the Committee needs to ascertain from the Departments [Police and A-G] whether in their view this change will apply to non-terrorism offences.

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[2] Tamara Tulich, 'Prevention and Pre-Emption in Australia's Domestic Anti-Terrorism Legislation' (2012) 1(1) *International Journal for Crime, Justice and Social Democracy* 52,

It is respectfully submitted that because the impossibly short timeframe for submissions does not allow for this submission to be thoroughly and properly researched and in view of the inadequacy of the Explanatory Notes, it must fall to the Committee to undertake research as to the problems thrown up by the Commonwealth section and to ask the Police Department and Department of Justice for further submissions on how these problems are proposed to be dealt with.

To be clear the QCCL opposes outright the extension of the acts in preparation regime to the general criminal law, and we reserve the right to make a supplementary submission once the issues we have raised in this part of the submission are responded to by the Departments.

6. CONTROLLED OPERATIONS

This heading is "offence threshold for controlled operations, controlled activities and surveillance device warrants "

The Explanatory Notes observe that this proposal changes the controlled operations regime from a 7-yr offence maximum scheme to a 3-year maximum scheme. This represents a huge change as it effectively now covers the entire Criminal Code as most offences in the Code carry a maximum of at least 3 years.

The only explanation for this huge extension of the controlled operations regime in the Explanatory Notes is "the amendments to the offence threshold are relevant and proportionate to current risks to the community." [Explanatory Notes p13].

This submission has earlier expressed criticism of the inadequacy of the Explanatory Notes. The explanation for the expansion of the controlled operations regime is woefully inadequate. There is no attempt to lay out the "curent risks" referred to. Is it the display of symbols or the criminalisation of chants. Is it some other law and order risk to the Queensland community.

Further if the "current risks" are not outlined how can an assessment be made by the Committee that the changes are relevant and proportionate to the non-outlined "current risks"

The Committee should ask both Departments to identify the current risks and how the new regime is relevant and proportionate.

The QCCL opposes the extension of the controlled operations regime and asks the Committee to immediately make available the Departments response. We reserve our position to make a supplementary submission when the responses are to hand.

7. THE POWER TO STOP DETAIN AND SEARCH

The Explanatory Notes observe that police can stop detain and search persons and vehicles without warrant where the police officer reasonably suspects that a person has committed or is committing the offence of public recitation, public distribution or public display of a prohibited expression.

This is strongly opposed by the QCCL.

In practice this will result in police searching people attending a public protest or on the way to or from a protest. This will be done "on spec".

The Queensland history of police abusing their power at public protest clearly indicates that giving police these powers is a recipe for unaccountable abuse of those powers.

It will heighten conflict between police and those attending demonstrations. The powers will directly attack social cohesion rather than repair it.

This is a grossly disproportionate extension of police powers. Their use will in practice be unaccountable as people who are subject to their misuse will see it as pointless to complain as under the current Queensland complaints scheme it is well known that such complaints are referred back to the police themselves, often to the OIC of the unit the police officer complained about belongs.

This is in stark contrast to NSW where the Law Enforcement Commission has announced its own independent Inquiry into allegations of excessive police violence at last week's anti-Herzog demonstration in Sydney against stances adopted by both the Premier and Police Minister that "there is nothing to see here".

If it is sought to reproduce the worst excesses of police misuse of public assembly powers in the 70s and 80s this grant of unaccountable and easily abused search power is definitely the way to do it

8. FIREARMS PROTECTION ORDERS

In our submission to this Committee's predecessor we criticized major aspects of the Bill which introduced these orders. We maintain those criticisms.

In particular our position remains that the issue of a FPO that could result in a person whose firearm is removed from them running the risk of immediately losing their employment should only occur on notice and by a Court or the Tribunal. This point is made having regard to the fact that the QCAT cannot stay an order pending the outcome of the Review

We note that the system of Court issued Orders has been removed. The SOC fails to explain why the two-tiered court-and-commissioner scheme is insufficient to achieve the scheme's purpose. In answering the necessity test criteria on page 13, the SOC does little more than point to common practice in other jurisdictions – which is entirely irrelevant and more concerningly suggests that the government has failed even to grasp a basic understanding of *the requirements of the necessity test itself*, let alone in a way that demonstrates that the test has been satisfied.

In addressing the 'fair balance' criteria under section 13(2)(e) on the same page, the SOC states that "the removal of the court-issued FPO scheme streamlines decision-making, enabling police officers to act swiftly in high-risk scenarios" – an argument that would have some relevance to the necessity test, except for the fact that police are *already* able to act swiftly using the Commissioner's existing powers to issue an FPO lasting for 60 days (2 months).

In fact, nothing in the SOC actually demonstrates that the proposed amendments are in fact necessary to achieve the stated purpose, and for that reason the Committee cannot possibly be satisfied that the amendment is compatible with human rights.

Further we note that the material that can be had regard to has been extended to spent convictions. No justification is provided for this.

9. CONCLUSION

In light of the lack of proper consultation and the entirely inadequate Explanatory Note this committee is duty bound to seek an extension of time so that it can undertake its own research into the issues raised in this submission.

This submission includes contributions from Vice President Terry O'Gorman and Executive member Nicki Murray.

We trust this is of assistance to you in your deliberations.

Please direct correspondence concerning this letter to president@qccl.org.au

Yours Faithfully

[redacted]

Michael Cope
President
For and on behalf of the
Queensland Council for Civil Liberties
17 February 2026