

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

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PROHIBITED EXPRESSIONS OFFENCE

The submitter strongly supports action to fight antisemitism and protect Jewish communities from discrimination, abuse and violence. However, the proposed "prohibited expressions" offence in the Bill raises serious concerns under the *Human Rights Act 2019 (Qld)*.

Making certain phrases a criminal offence limits the right to freedom of expression. Freedom of expression protects political debate, protests, journalism and public discussion — even when the speech is controversial or offensive. A law that bans specific phrases does not properly consider the context, the speaker's intent, or whether any real harm was caused. This means people could be punished for speech that is not actually antisemitic or discriminatory.

The Bill also weakens an important principle of criminal law: the presumption of innocence. It would require the accused person to prove they had a "reasonable excuse," instead of requiring the prosecution to prove guilt.

Queensland already has laws that ban threats, harassment, inciting violence and harmful discrimination. By treating certain expressions as discrimination on their own, the Bill risks going too far. It could lead to inconsistent enforcement and discourage people from speaking openly in public debate, even when their speech is lawful. This may shift attention away from genuinely dangerous conduct.

The Committee should consider changing the Bill to remove or significantly narrow the phrase-based offences. The focus should be on harmful actions, in a way that clearly respects human rights and protects the integrity of the justice system.