

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

Submission No: 353
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Thank you to the Justice, Integrity and Community Safety Committee for inviting my submission on the *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026*.

I am an Australian Citizen, an elector in Murrumbidgee, and I do not support this Bill in its current form on at least three points.

Firstly, I submit this bill is an insult to the Rule of Law.

The Rule of Law Education Centre, of which Margaret Cunneen SC is President of the Board, states “The Rule of Law is vital for protecting citizens from unpredictable and arbitrary interference with their fundamental rights and freedoms.”

[<https://www.ruleoflaw.org.au/what-is-the-rule-of-law/>]

This Bill is an insult to the Rule of Law with its multiple unpredictable and arbitrary characteristics:

1. “Antisemitism” is never defined in the Bill; therefore, we do not know what it is we are “Fighting”. This is unpredictable and arbitrary.
2. The proposed new Criminal Code section 52C(1A) delegates a “prohibited expression” to the Regulations. However, at this moment of debating this Bill, we do not even know which expressions will actually be prohibited, despite what the Government Media Statement [<https://statements.qld.gov.au/statements/104460>] purports they might be: “from the river to the sea”, or “globalise the intifada”. A single Minister, we don’t know who, will substantially solely decide, without further consent of Parliament, if an expression is widely known by members of a religious group as being solely or substantially representative of an ideology of extreme prejudice against that group, and that expression is regularly used to incite discrimination, hostility or violence towards that religious group. It is unknown:
 - a. what level of diligence the Minister will perform,
 - b. if the Minister will perform any substantive research at all;
 - c. how the Minister identifies the members of a religious group;
 - d. how the Minister identifies if a self-purported voice for a religious group accurately represents the entire membership of that religious group.

All of this is unpredictable and arbitrary.

3. In the proposed new Criminal Code section 52DA “Recital, distribution, publication or display of prohibited expressions”:

- a. The definition “... in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed or offended” is absurdly broad. Are we seriously entertaining that we should guarantee that all members of the public who might happen to be passing by a rally, march, or other peaceful assembly, no matter their internal emotional state, or how inimical they are to universal human rights, or how feeble their mind, shall not feel “offended” upon pain of 2 years imprisonment? This is unpredictable and arbitrary.
- b. What is the meaning of the example reasonable excuse “a genuine political or other genuine public dispute or issue carried on in the public interest”? Would a rally or a march, in the ordinary sense of ‘rally’ and ‘march’, or the preparation of placards and travel with said placards to and from a rally or a march be considered within the meaning of this reasonable excuse? If so, why is this not expressly written in the Bill? It would avoid unpredictability and the cost and expense of the unavoidable Court trial and the establishment of case law in this area. This is unpredictable and arbitrary.

Secondly, I submit that consultation on this Bill is lacking and missing vital perspective.

The Explanatory Notes provide “senior members of Queensland’s Jewish community were consulted”. From media reports on 9 February 2026, this would appear to include Queensland Jewish Board of Deputies (QJBD) president Jason Steinberg [<https://www.brisbanetimes.com.au/politics/queensland/huge-rally-shouts-the-six-word-chant-queensland-plans-to-ban-20260209-p5o0q1.html>]. The Queensland Jewish Board of Deputies Inc. purports to be the voice of Queensland’s Jewish community [<https://www.jewishqld.com/about-the-board>], however, on which basis does it claim to speak for all Jews?

Meanwhile, The Jewish Council of Australia (JCA) also claims to be an organisation of Jewish people in Australia who work towards ending antisemitism and all forms of racism and support Palestinian freedom and justice. [<https://www.jewishcouncil.com.au/>]

The JCA states recognises that there is no one single Jewish community, and that Jews across the country hold differing political views and have rich traditions of debate and questioning. [<https://www.jewishcouncil.com.au/2024/02/jewish-council-launches-expert-voice-antisemitism-racism-in-australia>]

The JCA provides an expert voice on issues of antisemitism, far-right extremism and racism in Australia, ready to engage with media, policymakers, and the public to contribute to a more nuanced understanding of Jewish perspectives.

Has the government consulted with the JCA and had its position incorporated in this Bill? If not, why not?

Furthermore, have any Palestinians been consulted whatsoever and had their position incorporated in this Bill? If not, why not?

Thirdly, I submit that this Bill unfairly restricts human rights in Queensland: To peaceful assembly; to participate in the conduct of public affairs; to enjoy ones' culture; and to use ones' language. Peaceful assembly is a right in a democratic society to participate in the conduct of public affairs, including what might or might not be a so-called "prohibited expression". The assertion of Palestinian freedom and justice is a public affair. Palestinian culture is under attack by Israel's apartheid and land confiscation. 'Intifada' is in the Arabic language.

The proponents of this Bill are unable or unwilling to comprehend that the meanings of the two expressions in question are themselves contested. I do not purport to be an expert on how these expressions are used in the desire for Palestinian freedom and justice, that would be a matter for the JCA or Palestinian leadership. However, I understand these expressions are actually entirely benign to Jews as Jews:

"From the river to the sea, Palestine will be free" – note the full expression – recognises the desire of the existing non-Jewish communities in Palestine to be free of prejudice of their civil and religious rights, as the British Government's Balfour Declaration stated to the Zionist Federation all the way back in 1917.

"Globalise the intifada" is simply a call for everyone around the world, including Jews, to take up the cause of Palestinian freedom and justice.

For these reasons I urge this Committee and this Parliament to reject this Bill.

Yours sincerely,

Brendan Morley

16 February 2026