

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

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

Introduction

Community legal centres support strong and effective measures to address antisemitism, racism, and hate-motivated violence in Queensland. Jewish communities and other targeted groups (including LGBTIQA+ Queenslanders, culturally and racially marginalised groups, and First Nations peoples) must be protected from intimidation, harassment and harm.

However, the proposed ‘prohibited expression’ provisions in the *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026* (Qld) raise significant concerns regarding:

- clarity and legal certainty in criminal law drafting
- proportionality under the *Human Rights Act 2019 (Qld)*
- risk of overreach, including a chilling effect on lawful political communication and protest, and erosion of public confidence in the appropriate balance between freedom of expression and community safety
- the concentration of discretion in executive decision-making

We urge the Committee to ensure that any restrictions on expression are tightly confined to conduct involving intent to incite violence, serious intimidation, or harm, and are demonstrably necessary and proportionate.

Legal certainty and the Rule of Law

Criminal offences must be clear, precise, and foreseeable.

Expressions connected to international political conflicts often have multiple meanings depending on context. Criminalising specific phrases (particularly where meaning depends on surrounding conduct, intent, or audience) risks:

- creating ambiguity for ordinary community members

- increasing the likelihood of uneven enforcement
- undermining public confidence in the justice system

The Bill appears to allow certain expressions to be deemed ‘prohibited’ based on ministerial satisfaction that they represent extreme prejudice or are regularly used to incite harm. We are concerned that this may:

- reduce parliamentary clarity in defining criminal conduct
- create uncertainty about the scope of liability

If such a framework is retained, safeguards should include:

- a clear statutory definition anchored in incitement to violence or serious harm
- express consideration of context and intent as essential elements
- independent review of any designation of ‘prohibited’ expressions
- periodic legislative review

Human rights and proportionality

Section 21 of the *Human Rights Act 2019 (Qld)* protects freedom of expression. While this right is not absolute, any limitation must be demonstrably justified in a free and democratic society.

Our position is that criminal law should be reserved for conduct involving:

- clear intent to incite violence or serious harm
- an objective and substantial risk of such harm occurring

To the extent that the Bill criminalises the use of particular expressions or slogans without requiring proof of incitement or serious harm, there is a risk that the limitation on expression may not satisfy the proportionality test under s 13 of the Human Rights Act.

Queensland modernised and strengthened vilification protections through the *Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Act 2023*. This followed wide ranging and comprehensive consultation with faith groups, community organisations and key stakeholder to ensure adequate protections and to align with community standards.

The Committee should carefully assess whether existing offences relating to threats, serious vilification, and incitement already address much of the targeted conduct.

Risk of chilling democratic participation

Many of BRQ's clients engage in political advocacy concerning international conflicts, racial justice, workplace rights and social security policy.

Broad or unclear criminal prohibitions on particular expressions may have a chilling effect — discouraging lawful protest, advocacy and public debate.

This is particularly concerning for marginalised communities who may already experience over-policing or disproportionate criminal justice contact. Laws that are uncertain in scope may exacerbate this dynamic.

Protection of vulnerable communities from hate must not inadvertently suppress the legitimate political participation of others.

Targeted protection is preferable to expression-based prohibitions

We support:

- strong enforcement of existing incitement and threat offences
- clear prohibitions on serious vilification and harassment
- targeted measures where speech is used as a vehicle for violence or intimidation

However, criminalising particular phrases or symbols in the abstract (without a clear and harm-based threshold) risks extending beyond what is necessary to protect community safety.

In our view, legislation should focus on conduct and intent, rather than categorising expressions as inherently criminal.

Conclusion

We support decisive action to combat antisemitism and hate-motivated harm. At the same time, we urge the Committee to ensure that:

- criminal liability is confined to conduct involving intent to incite violence or serious harm
- offence provisions are precise and foreseeable
- executive discretion is appropriately constrained
- the Bill complies with the proportionality framework under the *Human Rights Act*

Queensland can and should protect vulnerable communities. It must do so in a manner that preserves the democratic freedoms that underpin public confidence in the law.