

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

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1. Overview

I support strong action against antisemitism, violence, terrorism and unlawful firearm use. However, this Bill raises serious concerns about legal certainty, human rights compatibility, proportionality, and the long-term impact on democratic freedoms. In its current form, it risks creating unclear offences, expanding executive discretion, and criminalising expression in ways that may exceed what is necessary to achieve public safety objectives.

2. Legal certainty and rule-of-law concerns

The Bill proposes amendments to the **Criminal Code, Police Powers and Responsibilities Act 2000 and Weapons Act 1990** to address antisemitism and firearms risks¹.

However, provisions relating to prohibited symbols, slogans and expressive conduct appear framed broadly and may rely on subjective thresholds such as whether conduct is capable of causing offence, fear or hostility. Public reporting indicates penalties of up to two years' imprisonment may apply to the public use or display of certain phrases or symbols deemed menacing or offensive².

Criminal law should provide clear notice of prohibited conduct. Vague drafting risks:

- inconsistent enforcement;
- politicised interpretation;
- chilling legitimate political discussion, journalism, protest and academic debate.

The rule of law requires precision, especially where imprisonment is contemplated.

3. Human rights implications

Queensland's Human Rights Act protects freedom of expression, peaceful assembly and participation in public life. Restrictions are permissible only where demonstrably necessary, proportionate and clearly defined.

Broad criminalisation of slogans or symbols — particularly where political context is contested — risks overreach. Commentary surrounding the Bill highlights concerns that banning particular phrases or symbols could suppress legitimate political discourse and protest³.

While incitement to violence should unquestionably be criminalised, extending criminal liability to subjective offence risks undermining democratic freedoms.

¹ <https://www.legislation.qld.gov.au/view/html/bill.first/bill-2026-003>

² <https://www.theguardian.com/australia-news/2026/feb/16/queensland-hate-speech-laws-ipa>

³ <https://www.couriermail.com.au/news/toowoomba/plan-to-ban-propalestine-slogan-in-queensland-sparks-free-speech-backlash/news-story/1a570cb64c4c706595acc4ead6a5aaf6>

4. Executive power and oversight

Public commentary suggests the legislation may allow government authorities to designate prohibited expressions or symbols. Critics have warned this could grant significant discretionary censorship powers without strong judicial safeguards.

Such powers should:

- require independent judicial oversight;
- include transparent criteria;
- allow meaningful review and appeal.

Without these protections, public trust may be weakened.

5. Effectiveness and unintended consequences

Evidence internationally suggests broad speech bans can:

- push extremist views underground rather than reduce them;
- complicate policing priorities;
- capture legitimate political or religious expression unintentionally.

Targeted enforcement of threats, violence, harassment and weapons offences may deliver stronger public safety outcomes than expansive speech prohibitions.

6. Process and consultation concerns

The reportedly short consultation period for this Bill has attracted criticism from legal experts concerned about insufficient scrutiny.

Legislation affecting fundamental freedoms benefits from extended consultation with legal experts, affected communities, civil society and law enforcement.

7. Recommendations

I respectfully recommend the Committee:

1. Clarify offence definitions, intent requirements and evidentiary thresholds.
2. Strengthen compatibility with the Human Rights Act.
3. Ensure independent judicial oversight of any designation powers.
4. Undertake broader consultation before enactment.

5. Prioritise targeted enforcement against actual violence and criminal firearm misuse.

8. Conclusion

The objectives of combating antisemitism, terrorism and firearm crime are important and widely supported. However, legislation must balance these aims with legal certainty, democratic freedoms and proportionality.

Without further refinement, the Bill risks unintended impacts on civil liberties while providing uncertain additional safety benefits. I therefore urge the Committee to reconsider the Bill in its current form.

Thank you for considering this submission.