

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

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

My name is Reuben Richardson, an engineer and small business owner in Brisbane, Queensland. I have a strong interest in preserving individual freedoms, cultural heritage, and the fair application of laws. I submit this as a concerned individual.

I support targeted measures to combat genuine threats such as terrorism and firearm misuse by high-risk individuals. However, I oppose the new prohibited expressions offence (proposed s 52DA of the Criminal Code) and related vilification/hate symbols provisions due to risks of overreach, interpretive vagueness, effects on legitimate debate, and potential unequal enforcement.

Lack of Clear Definition of Antisemitism

This bill has the stated aim to “fight antisemitism” yet does not actually define what this is in the legislation itself. There has been a tendency for various groups to expand this definition from hatred toward a particular ethnicity to equating anti-Zionism with antisemitism, or even opposition to the government of Israel's ongoing actions in Gaza. A recent example is Carrie Prejean Boller, a former Miss California and Catholic activist, who was removed from her appointment to the White House Religious Liberty Commission after challenging the notion that anti-Zionism equates to antisemitism during a public hearing on the topic.

Failure to Address Root Causes

The proposed legislation does not address the actual problem at hand. Unchecked mass migration and immigration without sufficient assimilation or deep roots has contributed to increasing ethnic tensions in Australia. Suppressing discussion of these issues does not resolve them; it allows them to fester. A large proportion of Australians became aware of these tensions through visible events, such as mass protests where the Australian flag was burned and foreign flags were flown on landmarks, which prompted widespread marches on 31 August 2025. We must address the root causes rather than hide them through restrictive speech laws.

Concerns Regarding Prescription of Prohibited Expressions

The bill empowers the Minister to prescribe specific expressions by regulation (via amendments to s 52C), which become prohibited if publicly recited, distributed, published, or displayed in a way that might reasonably be expected to cause a member of the public to feel menaced, harassed, or offended (s 52DA(1)). The maximum penalty is 150 penalty units or 2 years imprisonment.

While the explanatory notes state these target expressions "regularly used to incite discrimination, hostility or violence towards certain groups," the low threshold ("menaced, harassed or offended") lacks any requirement for intent to incite harm or actual harm caused. Reasonable excuses exist (e.g., genuine artistic, religious, educational, historical, legal, law enforcement, or public interest purposes, if reasonable in the circumstances), but their application remains subjective and court-dependent.

This creates significant uncertainty, particularly with phrases like "from the river to the sea." The slogan is used by pro-Palestinian advocates to call for liberation or equality across historic Palestine, but equivalents (e.g., Likud's 1977 manifesto stating "Between the sea and the Jordan there will only be Israeli sovereignty") have been used by Israeli right-wing figures to assert exclusive control over the same territory. Banning one version as potentially menacing toward Jewish communities while ignoring analogous claims denying Palestinian self-determination risks a clear double standard, unequal enforcement, and perceptions of bias in free speech protections.

Public discourse on issues like immigration policy, multiculturalism, foreign conflicts, or demographic changes could be prevented if phrasing overlaps with (or is interpreted as similar to) prescribed expressions, even when intended as policy critique rather than hatred.

Risks to Free Speech and Public Debate

The offence could inadvertently suppress robust discussion essential to democracy. For example:

- Discussions of observable patterns in crime statistics (e.g., Queensland Police Service data on ethnicity correlations) or gang activity in areas like Ipswich might attract scrutiny if linked to prohibited phrasing.
- Political commentary on international events or government policies could be reframed as offensive if regulations prescribe related slogans.

Similar laws in other states (e.g., NSW/Victoria vilification provisions) have led to arrests for social media posts or protests, suggesting expansive interpretation risks here too. This engages and potentially limits s 21 (freedom of expression) of the Human Rights Act 2019 (Qld), despite the Minister's statement of compatibility claiming proportionality.

Impacts on Rights of Association, Assembly, and Protest

The provisions could criminalise elements of peaceful protests or community organising. Chants, placards, or slogans at rallies addressing migration, cultural changes, or heritage preservation might be deemed prohibited expressions or hate symbols, deterring participation, particularly for those without strong advocacy networks.

Concerns About Unequal Application and Reciprocity

While focused on protecting "relevant groups" (primarily Jewish communities from antisemitism), enforcement patterns could create practical double standards. Complaints from protected groups may receive priority, while equivalent criticism from Queensland's historic majority (e.g., defending borders, heritage, or critiquing policies like multiculturalism) faces penalties. This risks exacerbating feelings of dispossession and undermining equality before the law (Human Rights Act s 15).

Inconsistency with LNP Values

Introduced by the LNP under Premier David Crisafulli and Minister Dan Purdie, the bill relies heavily on ministerial regulations and a subjective offence threshold, expanding state power to criminalise opinions on race, migration, or ideology—contrary to commitments to individual freedoms and limited government overreach.

Conclusion and Recommendations

While the bill addresses important safety concerns, ss 52DA and related provisions risk disproportionate impacts on free expression, assembly, and equal protection. I urge the Committee to recommend rejecting these elements or amending them significantly to:

- Require clear intent to incite discrimination, hostility, or violence (rather than the current low "menaced, harassed or offended" threshold).
- Mandate parliamentary oversight or disallowance for prescribed expressions/symbols, reducing regulatory overreach.
- Strengthen safeguards for political, religious, and public interest discourse, ensuring compatibility with Human Rights Act s 21.
- Ensure genuinely reciprocal enforcement across all groups to avoid double standards.

Thank you for considering this submission.