

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

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

Dr Robyn Gulliver

As a researcher specialising in the processes and impacts of legislation that circumscribes political communication in Australia, I strongly oppose the *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026* in its current form. While all forms of racism and violence must be condemned, this Bill represents a significant legislative overreach that threatens the fundamental right to peaceful dissent for all Queenslanders, including environmental and climate activists.

Given the extremely limited timeframe for review, I can only highlight some key concerns below and reserve my position on other aspects of these measures. One week is completely insufficient for examining such a complex and far-reaching proposal in full, particularly given the technical nature of amendments to surveillance powers, criminal law, and firearms legislation.

Key concerns:

1. Expansion of surveillance and investigative powers

The Bill appears to propose lowering the threshold for "relevant offences" justifying the use of controlled operations, controlled activities, and surveillance device warrants from those carrying a 7-year imprisonment penalty to just 3 years.

If this interpretation is correct, this will represent a significant expansion of police surveillance powers. As a non-expert with insufficient time to review the proposed legislation in detail and its interaction with existing Queensland law, I cannot fully assess the implications. However, I note that civil liberties organisations warned regarding similar federal legislation that "extremist violence and social cohesion are incredibly complex issues" and that "The Federal Government cannot legislate its way to social cohesion."¹ Expanding surveillance powers without evidence they will address the root causes of violence risks eroding civil liberties without enhancing safety.

Many summary or simple offences frequently associated with environmental protests, such as certain forms of trespass or obstructing paths, could now potentially fall under these invasive surveillance powers. This may then allow for covert investigation and monitoring of peaceful climate activists under a framework ostensibly designed for "terrorists and criminals".

¹ <https://libertyvictoria.org.au/joint-media-statement-federal-governments-approach-to-building-community-harmony-will-do-real-harm-nsw-council-for-civil-liberties-liberty-victoria-and-queensland-council-for-civil-libert/>

Questions for the Committee:

- What evidence supports the effectiveness of lowering this threshold?
- What categories of offences would newly fall under these surveillance powers?
- Could this potentially capture offences associated with peaceful political protest?
- What additional safeguards will prevent misuse of these expanded powers?

2. *Vague definition of "prohibited expressions"*

The Bill introduces a new offence for "public recitation, public distribution, publication, or public display of a prohibited expression". An expression appears to be able to be prohibited if the Minister is satisfied it is "regularly used to incite discrimination, hostility or violence".

The criteria for what constitutes "hostility" does not appear to be sufficiently defined. In the context of environmental activism, sharp political slogans targeting corporations or government policies could potentially be prescribed as "hostile," thereby criminalising chants and placards at peaceful rallies. The term "hostility" appears insufficiently defined for a criminal offence. Without legal expertise or adequate time to analyse case law and statutory interpretation, I cannot determine whether this meets the clarity threshold required for criminal law, but I am deeply concerned about vagueness that could chill legitimate political expression.

Questions for the Committee:

- How will "hostility" be defined and interpreted in practice?
- What protections exist for sharp political criticism that some may find hostile but which constitutes legitimate democratic discourse?
- Who decides what expressions are "regularly used" in this manner, and what evidence threshold applies?

3. *Criminalisation of "preparatory" acts*

The Bill introduces a new offence for acts done in preparation for, or planning, an offence likely to cause serious harm, carrying a maximum penalty of 14 years. Crucially, this new offence does not require proof of terrorist motivation.

I do not possess the legal expertise to fully assess this provision's scope or how it interacts with existing preparatory offences in Queensland, but I am deeply concerned about clarity and proportionality. This new offence may broaden the scope of "preparatory" crimes significantly, which could impact advocates seeking to peacefully dissent on various issues. For example, I am concerned that climate activists planning non-violent direct action could find their logistical planning (such as the possession of safety equipment or site maps) reframed as "planning serious violence" by law enforcement, without the previous safeguards of proving a link to a terrorist act.

As Liberty Victoria's President Gemma Cafarella warned regarding similar federal legislation, "Laws that inappropriately limit freedom of speech, religion and association are only going to further drive division."² Without clear boundaries, could this provision create uncertainty about what constitutes legitimate versus criminal activity?

Questions for the Committee:

- What specific conduct constitutes "preparation" under this provision?
- How does this differ from existing preparatory offences in Queensland law?
- What safeguards prevent capture of lawful activities (organising protests, research, possession of safety equipment)?
- Given the 14-year maximum penalty, is the offence definition sufficiently precise to meet criminal law standards?

4. *Concerns Regarding Impacts on Palestinian Advocacy and Political Expression*

While the Bill does not explicitly name Palestinians, there are concerns that the framework for prohibited expressions and symbols, combined with the explanatory notes' framing, may disproportionately impact advocacy for Palestinian rights. The explanatory notes appear to conflate antisemitism with legitimate political expression that seeks to educate and advocate for the Palestinian people and their rights under international law, including the right to self-determination.

The Bill fails to acknowledge the significant public movement in Queensland supporting Palestinian human rights. Addressing this legitimate sentiment through dialogue, rather than measures that may silence political expression, would better serve social cohesion. There is concern that the Bill risks eroding public trust and deepening division if it is perceived as disproportionately targeting members of particular ethnic communities or those engaging in legitimate political advocacy.

5. *Undermining of the democratic process*

The rushed nature of this Bill, introduced on 10 February 2026 with less than one week for public submissions closing on 17 February 2026, is an affront to the democratic process. Legislation that so significantly impacts civil liberties requires deep consultation, not a truncated timeline that prevents expert stakeholders from properly assessing the Bill's long-term impacts on political participation.

The Law Council of Australia noted in relation to similar rushed federal legislation that this involves "complex and significant law reform" impacting intelligence, firearms control and other areas.³ I echo civil liberties organisations' concern about rushed

² <https://www.smh.com.au/politics/federal/social-media-posts-could-fall-foul-of-new-hate-speech-laws-20260114-p5ntvk.html>

³ <https://lawcouncil.au/resources/submissions/combatting-antisemitism-hate-and-extremism-bill-2026-cth>

consultation, also experienced with similar legislation in other jurisdictions since the Bondi tragedy. As these organisations stated about the federal bill: "Two days for submissions on legislation that potentially cuts across our democratic rights is absurd... If the [Government] was serious about the purported aim of this bill, then surely they would be trying to take the community with them."⁴

Legislation with such far-reaching implications for civil liberties requires adequate time for community consultation, expert legal analysis, and evidence-based assessment of effectiveness.

Conclusion:

This Bill appears to enable extraordinary powers to proscribe political speech, expand surveillance capabilities, and monitor citizens without adequate democratic oversight or consultation. The combination of expanded surveillance powers with lowered thresholds, vaguely defined prohibited expressions that risk capturing legitimate political speech, broad preparatory offences without clear boundaries, and ministerial discretion to prescribe expressions and organisations poses significant risks to freedom of political communication, which is an implied right under the Australian Constitution.

The extremely rushed consultation period (less than one week for such complex legislation) prevents proper assessment of these far-reaching changes to Queensland's criminal law, surveillance powers, and firearms regulations.

I urge the Committee to:

1. Recommend the Bill be withdrawn and subjected to comprehensive review with adequate consultation time
2. Request clear definitions and safeguards to protect legitimate political expression and peaceful protest
3. Require evidence that these expanded powers will effectively address the stated aims, and
4. Ensure the Bill does not disproportionately impact particular communities or suppress legitimate advocacy on any political issue.

The Committee must uphold Australia's democratic foundations by safeguarding the fundamental right to political communication while addressing genuine security concerns through evidence-based, proportionate measures.

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⁴ <https://libertyvictoria.org.au/joint-media-statement-federal-governments-approach-to-building-community-harmony-will-do-real-harm-nsw-council-for-civil-liberties-liberty-victoria-and-queensland-council-for-civil-libert/>