

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

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

Justice, Integrity and Community Safety Committee

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Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

We acknowledge the lands on which we work and live, including the lands of the Wurundjeri, Bunurong, Gadigal, Ngunnawal, Darug and Wadawurrung people. We pay our respect to Elders of those lands, both past and present.

We recognise that Aboriginal and Torres Strait Islander people and communities were the first technologists and innovators on this continent, with deep knowledge systems that continue to shape our understanding of innovation, sustainability, land stewardship, and community care.

We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded.

We acknowledge the role of the colonial legal system in establishing, entrenching, and continuing the oppression and injustice experienced by First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander people to undo this.

We support the self-determination of Aboriginal and Torres Strait Islander peoples.

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1. Introduction

The Human Rights Law Centre welcomes the opportunity to provide a submission to the Justice, integrity and Community Safety Committee (the **Committee**) inquiry on *Fighting Antisemitism and Keeping Guns Out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Qld) (the Bill)*.

Given the strict time constraints, our submission specifically focuses on the impact of the Bill on freedom of expression, but as an overall statement there is a need for consideration of all the relevant human rights standards to ensure laws that are passed are proportionate, balance various human rights standards where they intersect, and where they need to limit human rights the least restrictive measures are taken.

The Human Rights Law Centre supports action to address the rise in racism, discrimination, hate speech and vilification, which has fostered an environment of hostility, undermined community safety, and left many marginalised groups exposed.

It is understandable that, in the wake of the antisemitic terrorist attack at Bondi, the Queensland Government would seek to take action to address racism and violence. However, such action must be grounded in evidence and consistent with human rights principles. Measures intended to counter discrimination must not themselves result in the targeting of marginalised communities or the entrenchment of exclusion.

In this context, the prohibitions on particular expressions and symbols, together with the Government's exclusive focus on Arabic and Palestinian political phrases in publicly explaining the Bill, raise serious concerns that the Bill will operate in a discriminatory manner rather than as a principled response to hate speech. Selectively targeting Arabic and Palestinian political expressions and phrases undermines rights to freedom from discrimination, freedom of expression, and equality before the law and would likely be inconsistent with QLD Human Rights Act, and international human rights law including Universal Declaration of Human Rights (**UDHR**) and as a State Party to the International Covenant on Civil and Political Rights (**ICCPR**), International Covenant on Economic, Social and Cultural Rights (**ICESCR**), and the International Convention on the Elimination of All Forms of Racial Discrimination (**ICERD**).

Further, international guidance on how to address hate speech while balancing other human rights, including the *Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or religious Hatred (the Rabat Plan)* emphasises that criminal sanction should be reserved for the most serious forms of incitement to discrimination, hostility or violence. The Rabat Plan establishes a high threshold requiring consideration of context, speaker, intent, content and extent of dissemination and likelihood of harm before expression may be criminalised. The Bill's blanket prohibition on prescribed expressions, particularly where framed through specific slogans used in the Palestinian rights movement is likely to amount restriction of freedom of expression in a manner that is inconsistent with international human rights standards as referenced in the Rabat Plan.

2. Incompatibility with right to freedom of expression

The Bill introduces two interrelated speech-regulation mechanisms: an expansion of the prohibited symbol regime ("Strengthening bans on hate symbols")¹ and a new offence concerning "Prohibiting particular expressions".² These provisions seek to impose unjustified limitation on the right to freedom of expression.

¹ *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Qld)*, amending *Criminal Code Act 1899 (Qld)* s 52D.

² *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Qld)*, inserting *Criminal Code Act 1899 (Qld)* s 52DA.

In Queensland, the Human Rights Act 2019 (Qld) (Qld HRA) protects freedom of expression and equality before the law, requiring any limitation to be justified and non-discriminatory. These protections operate alongside Australia's legal obligations under instruments including the Universal Declaration of Human Rights (the rights within which constitute customary international law binding on all countries) and binding treaty obligations under the International Covenant on Civil and Political Rights (ICCPR), and the Constitution's implied freedom of political communication.

Section 21 of the Qld HRA protects the right to seek, receive and impart information and ideas of all kinds, including political communication and public debate about international affairs. Any restriction must be reasonable, demonstrably justified, proportionate to its purpose, and the least restrictive means reasonably available.³

Australia must interpret and apply legislation consistently with its international human rights commitments where possible. Article 19 of the Universal Declaration of Human Rights protects freedom of opinion and expression, while Articles 2 and 7 guarantee equality before the law and protection against discrimination.⁴ Article 19 of the ICCPR similarly protects the freedom to hold opinions and to seek, receive and impart information and ideas, subject only to necessary and proportionate restrictions.⁵ International jurisprudence recognises that restrictions must address genuine incitement to discrimination or violence, not contested political advocacy, and must not discriminate on the basis of political opinion, nationality, ethnicity or language.

The Australian Constitution further protects political communication necessary for representative government.⁶ Although preventing intimidation and violence is a legitimate objective, any burden on communication must be proportionate. We submit that expressions concerning war, foreign policy and international human rights lie at the core of protected political communication. Where criminal prohibitions target particular political narratives rather than demonstrable incitement, the burden risks becoming excessive relative to the law's purpose.

Under international law, freedom of expression protects the right to "seek, receive, and impart information and ideas of all kinds, regardless of frontiers."⁷ The importance of this right is reinforced by the Human Rights Committee in *General Comment No. 34*, where it stated that the freedom of expression is indispensable for the full development of the individual, and as the foundation stone of every free and democratic society. The freedom is also essential for the promotion and protection of other human rights⁸ and extends to political discourse, commentary on public and personal affairs, and canvassing on human rights issues.

Limitations on the right cannot be invoked to suppress political discourse or silence dissent⁹ and restrictions should not serve as a pretext to discriminate against particular groups or views.¹⁰ The right cannot be limited merely because an idea is offensive or even disturbing. The Human Rights Committee has emphasised that the right covers the expression of opinions which some may find offensive, shocking, or disturbing.¹¹

The Rabat Plan offers a detailed framework for distinguishing prohibited hate speech from protected expression and is designed to help nations balance their obligations to prohibit advocacy of national, racial

³ *Human Rights Act 2019* (Qld) s 21.

⁴ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948) arts 2, 7, 19.

⁵ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 19

⁶ *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520.

⁷ ICCPR art 19(2).

⁸ UN Human Rights Committee, *General Comment No 34: Article 19: Freedoms of Opinion and Expression*, UN Doc CCPR/C/GC/34 (12 September 2011) [3]-[5].

⁹ *Ibid* [23], [34].

¹⁰ *Ibid* [26].

¹¹ *Ibid* [11].

or religious hatred that constitutes incitement to discrimination, hostility or violence, as mandated by Article 20(2) of the ICCPR, with the protection of the freedom of expression under Article 19.

The *Rabat Plan* affirms that for an expression which advocates hatred to be limited, the expression must be intentional and aimed at inciting violence, discrimination, or hostility. It underscores that negligence, or recklessness is insufficient to meet the threshold for incitement; rather, the expression or act must involve deliberate advocacy or incitement that reflects a clear intention to provoke harm.¹²

To operationalise this principle, the *Rabat Plan* introduces a six-part threshold test for determining whether a specific expression or act constitutes incitement to hatred. The test requires an assessment of:

1. **Context:** The social, historical, or political circumstances surrounding the expression or act should be analysed to assess its potential to incite harm.
2. **Speaker:** The role and status of the speaker should be evaluated to determine their influence over the audience.
3. **Intent:** Evidence must show that the speaker aimed to incite discrimination, hostility, or violence, as intent is a critical factor.
4. **Content and form:** The tone, style, and arguments used in the expression or act should be examined to evaluate their capacity to provoke harmful outcomes.
5. **Extent:** The reach, frequency, and audience size of the expression or act are also to be considered to understand its potential impact and extent.
6. **Likelihood and imminence:** The probability and immediacy of harm occurring as a direct consequence of the expression or act should also be assessed.¹³

There has been international comment and case law relating specifically to the banning, censoring, and criminalising of Palestinian slogans and symbols. As recognised by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, banning or criminalising any utterance of “from the river to the sea” in all circumstances is disproportionate and not in line with international human rights law.¹⁴ Courts in Canada, the Czech Republic, and the Netherlands have ruled that the words “from the river to the sea” and other slogans associated with Palestine have multiple meanings and cannot be said to be antisemitic or violent.¹⁵

As submitted to the NSW Parliament Legislative Assembly Committee on Law and Safety Inquiry into prohibiting slogans that incite hatred, the United Nations Special Rapporteur on the Promotion and protection of Human rights and Fundamental Freedom while Countering Terrorism, Ben Saul, made clear:

“Expressions such as “from the river to the sea, Palestine will be free”, and “globalise the intifada”, are not intrinsically or objectively incitements to violence or hatred against Jews, although they could be in an individual cases, depending on the Rabat Plan factors. As such, a blanket legislative ban would violate Australia’s human rights obligations, since it would be overbroad and preclude case-by-case, contextual assessment.”¹⁶

It is critical that Queensland takes all necessary steps to counter antisemitism and all forms of racial or religious hatred that constitutes incitement to discrimination, hostility, or violence. State actions in doing so must, however, do so in a way which balances the protection of other fundamental human rights, including upholding and protecting the right to everyone’s freedom of expression. A failure to do so creates the live

¹² United Nations Office of the High Commissioner for Human Rights, *Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence* (2012) [29(c)] <https://www.ohchr.org/sites/default/files/Rabat_draft_outcome.pdf>

¹³ Ibid [29].

¹⁴ Irene Khan, *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, UN Doc A/79/319 (23 August 2024), [74].

¹⁵ Maria O’Sullivan, Submission No 135 to the NSW Legislative Assembly Committee on Law and Safety, *Inquiry into Measures to Prohibit Slogans that Incite Hatred* (12 January 2026).

¹⁶ Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Saul, Submission No 97 135 to the NSW Legislative Assembly Committee on Law and Safety, *Inquiry into Measures to Prohibit Slogans that Incite Hatred* (12 January 2026) [16].

risk that “discrimination against one vulnerable group will be replaced with discrimination against another group, which, far from reducing antisemitism, will fuel more hatred and intolerance.”¹⁷

For these reasons, we submit that the Bill restricts political expression in a manner that is unreasonable and disproportionate under the Qld HRA, international human rights law, and the constitutional freedom of political communication.

3. Discriminatory targeting of Palestinian speech

First, the Bill broadens existing hate-symbol offences to include symbols prescribed by regulation that identify terrorist organisations or state sponsors of terrorism. A person commits an offence if they publicly display, distribute or publish such a symbol where they knew or ought reasonably to have known its meaning.¹⁸

Second, the Bill creates a new criminal offence for the public recitation, display, publication or distribution of a “prohibited expression”.¹⁹ Expressions may be prescribed by regulation where the Minister is satisfied they are regularly used to incite discrimination, hostility or violence toward groups defined by protected attributes including race or religion.²⁰ The offence applies where the conduct could reasonably cause a member of the public to feel menaced, harassed or offended and no reasonable excuse exists. The provision expressly captures expressions that nearly resembles a prohibited expression.²¹

While the legislation itself is drafted in neutral terms, the Queensland Government’s public explanation and justification for the Bill, including official press releases and media commentary, have consistently identified specific slogans associated with Palestinian rights movement, particularly phrases such as “from the river to the sea” and “globalise the intifada”, as the targets of the prohibited-expression offence.²² In discussing these changes, both the Premier and Attorney-General have described the Bill as drawing a “clear line” against such chants and indicated they would be prescribed expressions under the scheme.²³

At the same time, the Government has presented the expansion of prohibited symbols as directed at terrorist insignia (including organisations such as Hamas and Hezbollah) and has repeatedly discussed both the slogan bans and symbol bans together as components of a single response to antisemitism and extremism. In public explanations, references to rallies, demonstrations and public protests connected to the Palestinian rights movement have been used to justify both provisions. For example in a joint statement by the Qld Premier and Attorney General, they expressly and explicitly conflate phrases used in the Palestinian rights movement with terrorism by stating that the aim of the Bill is “To restrict terrorist slogans”, and immediately list two common slogans used in the movement as examples.²⁴

¹⁷ Irene Khan, *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, UN Doc A/79/319 (23 August 2024), [78].

¹⁸ *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Qld)*, amending *Criminal Code Act 1899* (Qld) s 52D.

¹⁹ *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Qld)*, inserting *Criminal Code Act 1899* (Qld) s 52DA.

²⁰ *Ibid.*

²¹ *Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026 (Qld)*, amending *Criminal Code Act 1899* (Qld) s 52C.

²² Premier David Crisafulli and Deb Frecklington, *Reforms to fight antisemitism and hate and protect faith communities* (Media Statement, Queensland Government, 8 February 2026)

<https://statements.qld.gov.au/statements/104460>; Ned Hammond, ‘Queensland government announces hate speech reforms including banned slogans and symbols’ (ABC News, 7 February 2026) <https://www.abc.net.au/news/2026-02-08/government-announces-hate-speech-reforms-antisemitism/106318730>.

²³ *Ibid.*

²⁴ Premier David Crisafulli and Deb Frecklington, *Reforms to fight antisemitism and hate and protect faith communities* (Media Statement, Queensland Government, 8 February 2026)

<https://statements.qld.gov.au/statements/104460>

The explicit rhetorical linkage between phrases used by Palestinians and their allies and terrorist organisations is likely to amount to a form of anti-Palestinian racism, a distinct form of racism affecting Palestinians, those perceived to be Palestinian and ideas that advocate for Palestinian rights.²⁵ The repeated reference to only two phrases “globalise the intifada” and “from the river to the sea” commonly used in the Palestinian rights movement, while not providing any examples of hateful expression directed at any other marginalised groups further highlights the discriminatory nature of the laws and may lead to the inconsistent implementation of those laws.

Section 15 of the Qld HRA guarantees equality before the law and protection from discrimination, including on the basis of race, religion and political belief or activity.²⁶ We submit that a legislative scheme that has been publicly explained through reference to specific political expressions associated with a particular community may operate discriminatorily even if it is attempted to be presented formally in neutral terms.

4. Conclusion

For the reasons set out above, we submit that the Bill should not be enacted in its current form. While the objective of addressing antisemitism and protecting community safety is legitimate and important, the measures adopted are neither proportionate nor evidence-based. The proposed provisions regulating symbols and expressions, as publicly framed and justified, are likely to have the effect of disproportionate affecting the rights of Palestinians and those advocating for their rights, rather than narrowly addressing genuine incitement to violence in all its forms. In doing so, the Bill is incompatible with the rights to equality before the law and freedom of expression as protected under both the Human Rights Act 2019 (Qld) and Australia’s international human rights law obligations. The Bill is likely to also burden the implied constitutional freedom of political communication and do so in a discriminatory manner. Social cohesion will be undermined and not enhanced by such actions, as it will likely create further sources of division and grievance. We therefore recommend that the Committee reject the Bill.

²⁵ Australian Human Rights Commission, *Respect at Uni: Study into Antisemitism, Islamophobia, Racism and the Experience of First Nations People* (Report, February 2026) 45 https://humanrights.gov.au/media/documents-files-PDFs/strategic-communications/Racism-at-Uni-Report_updated-170226-PM.pdf

²⁶ *Human Rights Act 2019* (Qld) s 15.