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

Submission No: 411

Submission By: Tyson Parker

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For consideration by the **Justice, Integrity and Community Safety Committee**

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

Dear Committee Members,

My name is Tyson Parker, operating in the capacity of a freelance/independent journalist, a small business owner (Inprisma) and am a HDR student, conducting practice-led research in the field of journalism and communications.

It's a privilege to address the committee on the subject of the amendment bill under consideration and I hope to be able to shed some light on how the proposed legislative changes will impact independent journalists, university students and the community more broadly.

Statement of support for proposed amendments:
I'd like to first acknowledge my support for the amendments made to the following:

- Penalties and Sentences Act 1992
- Weapons Regulation 2016
- Penalties and Sentences Act 1992 (as it relates to amendments made to Weapons Act 1990 and Criminal Code)
- Corrective Services Act 2006 (as it relates to the Weapons Act 1990)

As it relates to the abovementioned amendments, I have no disagreements/ do not have sufficient expertise to outline any negative consequences stemming from these proposed changes.

Statement of disagreement with the proposed amendments:
Regarding the below mentioned amendments outlined in the bill in question, I have serious concerns regarding the potential consequences that may result and that will directly impact journalists, students and in many cases, good intentioned members of the community, including those of the Jewish community. In particular, and to the extent of my current understanding of the proposed amendments, the below changes are of serious concern.

- **Amendment of Criminal Code, Clauses 6 & 7: Insertion of new s52DA**
- **Lowered Threshold for Controlled Operations (Clauses 21, 23, 27 & 28)**
- **Expanded Search Powers (Clause 98 – Insertion of new s 141ZGA into the Weapons Act 1990)**
- **"Preparation or Planning" Offence (Clause 13 – Insertion of new s 540A into the Criminal Code)**

A full and detailed outline of my concerns and explanation of how these changes could severely disrupt the genuine and positive activities of journalists, students and other community members can be found below.

1. **Amendment of Criminal Code, Clauses 6 & 7: Insertion of new s52DA**

There is a significant concern regarding the provisions outlined here, whereby journalists, especially independent journalists, freelancers and students, may be prosecuted or targeted for publishing footage, images and/or written works that cite or display yet undetermined expressions or symbology.

As an expectation of a journalists position and responsibilities to the public, it is incumbent them to inform the public as to the accurate and unfiltered unfolding of events, sometimes in cases of urgency, as an event is underway. This necessity is ever more required as antisemitism is on the rise across the country, as it is more important than ever to provide communities with up-to-date information about any circumstances or events that may put Jewish communities at risk.

Although I acknowledge the provision that allows publication in situations that constitute "fair and accurate reporting", the burden of proof being placed with the defendant, along with the maximum penalty of 2-years imprisonment, will impede a journalist's ability to distribute information quickly. Even in situations where a journalist is fully in compliance with the law as written, the burden of proof and risk of substantial prison sentences will demand serious legal considerations and close scrutinising of yet to be determined regulated expressions in every individual circumstance of publication, preventing the distribution of critical information, even that which seeks to alert the public to risks to public and community safety. This also puts the Jewish community at risk. If journalists and community members must accept a risk of prison sentences, along with the burden of proof in the event of an allegation, the Jewish community will inevitably receive a slower stream of information regarding antisemitic activities, potential safety concerns and areas of risk.

Furthermore, these specific amendments do not specify mechanisms for fighting antisemitism as a singular issue. On the contrary, as the proposed changes are written, it is entirely possible that the current government or any following could regulate a broader range of expressions, even arresting members of the Jewish community for utilizing pro-Zionist expressions, if the government of the day determined it to be so.

While the Bill limits 'relevant groups' to race, religion, sexuality, etc., the vagueness allows the government to conflate political ideologies (such as Zionism or political Islam) with religious identity. This puts journalists reporting on geopolitical conflicts at risk if they display symbols or slogans that the government of the day subjectively deems 'hateful' toward a religious group, even if the intent is political comment.

Additionally, the same mechanism could be used, now or in the future, to ban expressions or slogans on virtually any issue that another group may consider offensive, including criticisms or support for immigration, LGBT rights,

religion etc. This means that journalists and members of the public will need to consider everything they publish, as theoretically any form of expression could be regulated at the discretion of the government, at any time. Under these circumstances, it is entirely unreasonable to expect that regular members of the public be up to date, at all times as to the current expressions that have been regulated.

Recommendation:

The Amendment, as currently written, should be fully rejected. It is unreasonable for people of good intention, to potentially face prison time and be saddled with the burden of proof upon accusation, for having published material that contains expressions or symbology that can change at government discretion, without notice or prior public consultation and which has not been specified in conjunction with this mechanism being implemented. Future regulations on undetermined expressions can easily be vague and non-specific, allowing subjective judgement to form legal basis for prosecution of any member of any group, including journalists, students and even members of the Jewish community, depending on future regulator decisions.

Likewise, it is unreasonable for members of the public to be subjected to warrantless search of both person and vehicle, based on yet unspecified regulated expressions and symbols, that can be altered in a short space of time, at the government's discretion. At a bare minimum, the amendment should be altered so that the burden of proof lays with the accuser, and members of the public (especially journalists, professionals and students) should be granted far clearer protections when documenting and publishing events and activities as they are happening.

2. Lowered Threshold for Controlled Operations (Clauses 21, 23, 27 & 28)

The Amendment and its effect Clauses 21, 23, 27, and 28 of the Bill propose to redefine "relevant offence" (for controlled operations) and "controlled activity offence" from a 7-year imprisonment offence to a 3-year imprisonment offence. Furthermore, Clause 22 expands the valid purpose of these operations from merely "obtaining evidence" to include "frustrating the commission of relevant offences". This change drastically expands the scope of police powers, allowing law enforcement officers and civilian participants to engage in conduct that would otherwise be illegal (controlled conduct) to investigate or disrupt medium-level offences, rather than reserving such intrusive powers for serious indictable offences. Impact on Independent Journalists and Whistleblowers under the lowered threshold to 3-year imprisonment offences places independent journalists and their sources at significant risk of state surveillance and interference. Many offences that journalists or their sources could theoretically be accused of (even been entirely innocent of the assertions of an accusation) during public interest investigations carry maximum penalties of between 3 and 7 years. These include computer

hacking/misuse (Criminal Code s 408E), stealing data, or specific public order offences. Although journalists or their sources (during an ethically proper investigation) would be innocent, the suspicion of criminal activity under the new amendments is enough to invoke undeclared police disruption in an ongoing and fully legal investigation.

By allowing controlled operations to "frustrate" (disrupt or prevent) criminal activity, police could theoretically authorise undercover operatives to infiltrate and disrupt a journalist's investigation if they suspect the method of information gathering constitutes a 3-year offence (e.g., receipt of leaked documents). Unlike major media organisations, independent journalists lack the legal resources to challenge these operations, and in some cases, even major outlets could struggle when police operations are conducted undercover. The expansion of these powers creates a chilling effect on the ability of the press to hold those in power accountable, as the threat of covert police infiltration now extends to a much broader range of lesser offences. Under these proposed changes, Jewish communities, as well as communities of other religious or social groups may also be targeted, as there is no specifics on exactly when and how this law can be deployed. For example, it is feasible that this government or a future administration could utilising the mechanisms laid out to target pro-Zionist individuals, if it is determined that such individuals may commit a public order offence. As the proposed changes are non-specific to the fight against antisemitism, it is feasible that the mechanism laid out could be used in future to target journalists, students, particular religious communities or other members of the public, including the Jewish community, on any range of issues non-associated with antisemitism.

The expansion of these powers poses a threat to university students as well, particularly those engaged in legitimate academic research or student activism. Students in fields such as Criminology, IT, or Political Science often research topics that border on legality to understand criminal networks, radicalisation, or cyber-security. For example, possessing certain digital materials or "hacking" tools for research purposes could be construed as a 3-year offence (e.g., Misuse of restricted computer s 408E). Under the new amendments, police could authorise covert operations against students to "frustrate" this research before a student has had the opportunity to prove a lawful academic reasoning. Student protests often involve offences that may now fall under the 3-year threshold, such as specific forms of public order offences aggravated by circumstances of "hate" or "contempt" as has been broadened by this Bill. The ability for police to use undercover operatives to infiltrate and "disrupt" student movements for medium-level offences is a disproportionate use of state power that threatens the democratic right to protest and academic inquiry.

Recommendation:

The explanatory notes argue that these changes are necessary to target "significant offences that may be linked to hate crimes". However, the legislative drafting is not limited to hate crimes; it applies to all 3-year indictable

offences. The Committee should recommend omitting Clauses 21, 23, 27, and 28, thereby maintaining the 7-year threshold. Alternatively, the "relevant offence" definition for controlled operations should be restricted to offences involving serious violence, firearms, or terrorism, rather than a blanket reduction that inadvertently captures journalists, students, academics and good intentioned members of the public.

3. Expansion of Search Powers (Clause 98 – Insertion of new s 141ZGA into the Weapons Act 1990)

I have profound concern regarding Clause 98 of the Bill, which inserts a new Section 141ZGA ("Power to search particular persons") into the Weapons Act 1990.

This provision introduces a warrantless search power that allows police to stop, detain and search a person because they are "in the company of" an individual subject to a Firearm Prohibition Order (FPO). While the Explanatory Notes argue this is necessary to prevent FPO subjects from using associates to conceal weapons, the drafting is dangerously broad and poses specific, disproportionate risks to independent journalists and university students.

While subsection (3) ostensibly requires a reasonable suspicion of an offence, in practice, the 'in the company of' provision invites police to use mere association as the basis for forming that suspicion. This creates a circular logic where interviewing a person subject to an FPO creates the 'suspicion' required to search the journalist. This provision presents a severe threat to the freedom of the press and source protection. Crime and investigative reporters frequently meet with individuals who may be subject to FPOs (e.g., members of bikie gangs, extremists, or individuals with prior weapons offences) to gather information on matters of public interest. If a journalist meets a source subject to an FPO for a coffee or interview, they are legally "in the company of" that person. Under s 141ZGA, a police officer could detain the journalist and search their possessions (including notebooks, phones and recording devices) bypassing the usual judicial warrants that would shield confidential sources.

The threat of warrantless search and detention based purely on professional association will deter journalists from investigating crime and corruption, as they cannot guarantee the safety of their source material or their own liberty during an interview. Independent journalists, who lack the legal backing of major media corporations, are particularly vulnerable to this form of intimidation. This will likewise put the Jewish community at risk, as journalists will be heavily restricted in their abilities to investigate leads that, in today's climate of rising antisemitism, may very well uncover genuine criminal activity directed towards the Jewish community. Effectively, if journalists are deterred from being able to effectively operate and guarantee source confidentiality,

it will be less likely that a further attack on the Jewish community will be uncovered and prosecuted, as sources of information who may have previously come forward, will be much less likely to do so without being confident that journalists will be able to keep their identities confidential. Similarly, journalists will also be much less likely to attempt contact with individuals whom may have crucial information, on the basis that they risk invasive police searches and unguaranteed confidentiality for potential sources.

The provision poses similar risks to academic freedom and student safety. Students in Criminology, Sociology, journalism or Political Science conducting field research into criminal networks, radicalization, or social deviance may need to interview or shadow individuals subject to FPOs. Under s 141ZGA, a student researcher accompanying a subject could be detained and searched without a warrant. University campuses or shared housing arrangements may inadvertently place students "in the company of" an FPO subject (e.g., a peer or roommate with a relevant history). A student walking to class with such an individual could be subjected to a public search, despite having no knowledge of the FPO or involvement in criminal activity. The lack of a strict definition for "in the company of" leaves students, as well as any other member of the public, vulnerable to arbitrary policing based on who they are standing next to at a protest or social gathering.

Recommendation:

The current drafting reverses the presumption of innocence by treating association as a proxy for criminality. To protect the essential democratic functions of journalism and academic research, Clause 98 (Section 141ZGA) should be omitted from the Bill. Alternatively, if retained, the Bill must be amended to include an explicit exemption for persons acting in a professional capacity, such as journalists, lawyers and academic researchers, to ensure legitimate work is not criminalized or impeded by warrantless searches. Furthermore, the phrase "in the company of" must be strictly defined to require that an individual must have been an active participation in criminal conduct, not just in physical proximity.

4. "Preparation or Planning" Offence (Clause 13 – Insertion of new s 540A into the Criminal Code)

There is a profound concern regarding Clause 13 of the Bill, which inserts a new Section 540A ("Preparation or planning to cause death or grievous bodily harm") into the Criminal Code.

While the stated intent of this provision is to disrupt serious violence and mass casualty attacks before they occur (an intent that I fully endorse), the drafting of the offence is dangerously broad. It criminalises conduct at a pre-attempt stage without requiring proof of a specific target or plan.

This lack of specificity creates severe legal risks for legitimate investigative journalism and academic research, as well as members of the public whom hold no ill-intent.

The Amendment of Section 540A(1) makes it a crime (maximum penalty: 14 years imprisonment) to do any act in preparation for, or planning, an offence that would be likely to cause death or grievous bodily harm.

Crucially, subsection (2) states that a person commits this crime even if:

- The offence does not occur; and
- The person's act is not done in preparation for a specific offence

This could effectively criminalise thought, creative expression and preliminary research. Unlike the Commonwealth terrorism offences on which this is modelled, this provision does not appear to require proof of a terrorist ideology or motivation, making it a general criminal offence applicable to anyone.

Investigative journalists often research methods of violence, weaponry, or security vulnerabilities to expose public safety gaps or report on criminal networks. An independent journalist researching how easy it is to acquire 3D-printed firearms or how to bypass security at a public venue (to publish a story on the security failure) could be seen as "planning" an offence likely to cause harm. Because the prosecution does not need to prove a specific target or time, a journalist possessing notes, blueprints, or communications with sources about violent methods could be charged. The line between researching a crime to report on it and planning a crime to commit it becomes dangerously blurred, especially for independent journalists who lack the institutional accreditation that police often use as a proxy for legitimacy.

The threat of a 14-year prison sentence for "preparation" will deter journalists from investigating national security or public safety issues, leaving the public uninformed, in circumstances where a genuine threat to public safety may've otherwise been uncovered. It should go without saying that this could also have disastrous consequences for Queensland's Jewish communities. If journalists are legally hindered in pursuing an investigation into criminal activity, especially those that could put public safety at risk, at the possibility of incurring a 14-year prison sentence, in todays climate of rising antisemitism, the Jewish community will be much less informed about potential risks to their safety. Journalists will be completely unequipped to assess, research and disseminate information critical to providing communities, as well as law enforcement and government, with early warnings of potentialities of future violent acts against Jewish communities, as well as any other community.

This provision also poses a direct threat to students and researchers in fields such as Criminology, Creative Writing, Engineering and Political Science. For example, a Criminology student researching the mechanics of mass casualty events or the efficacy of homemade explosives for a thesis could technically be engaging in "preparation." Likewise, a Creative Writing or Film student plotting a fictional crime story involving a murder or terrorist attack must necessarily "plan" the offence to formulate the narrative. Although potentially absurd, under the plain reading of s 540A, drafting a plot outline for a novel involving a murder could legally constitute "planning an offence likely to cause death," as the legislation does not explicitly exempt fictional or artistic planning, nor requires specifics to be determined prior to an arrest to be made. Unlike other sections of the Bill (such as the hate speech provisions), Section 540A does not appear to include a specific "educational" or "public interest" defence. This leaves students vulnerable to prosecution based on the interpretation of police and prosecutors regarding their intent.

Recommendation:

To prevent the criminalisation of legitimate research, journalism, artistic expression and any occurrence of misplaced accusations against good intentioned members of the public, Clause 13 should be amended to include an explicit defence or exemption for acts done for genuine:

- Journalistic,
- Educational,
- Academic,
- Artistic, or
- Public interest purposes.

Additionally (and at a minimum) the offence should be narrowed to require proof of an intent to actually commit the violent act, rather than merely preparing for a hypothetical one.

In summary, the amendments, as they currently stand, are far too broad, vague and rely too much on future regulatory action to be in-standing with balancing the fight against antisemitism and drafting policies that maintain the publics freedoms of expression and crucially, their right to be informed. As an independent journalist and a HDR student myself, I can say with absolute conviction that the amendments, as they are currently written, will put journalists, students and the broader public at heightened risk of prosecution and will put minority communities, including the Jewish community, at risk of government discrimination and overreach.

Although I am fully in support for changes to legislation that will tighten gun laws and fight against antisemitism, I must urge the committee to consider the fact that as these amendments are currently written, they also open up avenues and mechanisms for governmental enactment of antisemitic policies, whether under this government or a future administration. They also allow the government to enact policies of discrimination against any group, meaning that every community, whether it be those more aligned with March for Australia, or those who support Palestinian movements, are all equally at risk of being targeted by current or future government regulations.

I hope that the recommendations that I have provided above can be looked upon with a critical eye and possibly seen as reasonable considerations to be enacted.

Furthermore, it would be an honour to give a statement directly to the committee in the upcoming public hearings. These amendments are highly consequential to journalists (especially independent journalists), as well as university students and academic professionals and as such, I believe it to be crucial that their critics of the proposed changes be carefully considered.

I have the support of my university supervisor, as well as many of my peers, who will support me in giving a direct statement to the committee and answer any questions the committee may have. A list of signatories can be provided to the committee upon request.

Warm regards,
Tyson Parker
HDR STUDENT & INDEPENDENT JOURNALIST