

1. Acknowledgement of harm and intent

I acknowledge the real harm caused by hate-motivated violence, including antisemitism, and the responsibility of government to protect public safety and social cohesion.

Condemnation of violence, terrorism, and racial or religious hatred is shared across the Australian community and is not in dispute.

This submission does not oppose the protection of communities from harm. It raises concerns about whether the mechanisms proposed in this Bill are proportionate, effective, and compatible with Australia's constitutional and human rights obligations.

2. Concern: Over-broad definitions and legal uncertainty

The Exposure Draft relies on broad and undefined concepts, including "hate", "extremism", and associated conduct.

Without precise statutory definitions, these terms risk inconsistent interpretation, selective or politicised enforcement, and chilling lawful expression, protest, and debate.

Australian criminal law has traditionally required clear, narrow drafting to ensure citizens can reasonably foresee what conduct is prohibited. This Bill departs from that standard.

3. Constitutional and implied freedom concerns

While Australia does not have an explicit constitutional right to free speech, the High Court has consistently recognised an implied freedom of political communication.

Legislation that restricts speech or association must satisfy proportionality tests: legitimate purpose, rational connection, necessity, and adequate balance.

This Bill risks failing those tests by conflating ideology, belief, and expression with criminal conduct; extending criminal liability beyond acts of violence or direct incitement; and creating uncertainty about lawful political advocacy, protest, or dissent.

4. Human rights compatibility

Australia is a party to international human rights instruments, including the ICCPR, which protects freedom of expression, assembly, and belief, and safeguards against arbitrary punishment and discrimination.

The Bill raises concerns about criminalising expression rather than conduct; expanding executive powers, including visa cancellation and background checks, without sufficient safeguards; and disproportionate impact on minority groups, activists, and dissenters.

Protecting communities from hate must not come at the expense of fundamental rights, or the law itself risks becoming a source of injustice.

5. Firearms buyback inclusion is procedurally inappropriate

The inclusion of a national firearms buyback scheme within a Bill framed as addressing hate and extremism is concerning.

Firearms regulation is a complex and separate policy area that warrants its own legislative process, independent evidence, and dedicated consultation with affected stakeholders.

Bundling unrelated measures undermines transparency and informed parliamentary scrutiny.

6. Risk of unintended consequences

Laws framed around “extremism” without tight constraints have historically led to expansion beyond original intent, use against non-violent political movements, and erosion of trust in public institutions.

Security legislation must be designed to target acts of violence and genuine threats, not beliefs, speech, or lawful civic participation.

7. Recommendation

I respectfully recommend that Parliament redraft the Bill with clear, narrow definitions tied directly to violent or criminal conduct; remove unrelated policy measures, such as firearms buyback, into separate legislation; ensure full compatibility with constitutional principles and human rights obligations; and extend consultation timelines to allow meaningful public scrutiny.

8. Conclusion

Protecting Australians from hate-motivated violence is essential. Protecting the rule of law, civil liberties, and constitutional integrity is equally essential.

Legislation that sacrifices rights for speed or symbolism risks doing long-term harm to both security and democracy.

I urge the Committee to reconsider the structure and scope of this Bill.