

Submission to Inquiry: The Review of the Exposure Draft Legislation: Combatting Antisemitism, Hate and Extremism Bill 2026

In the text to be inserted into the Criminal Code by section 22 of the exposure draft, subsection 80.2BF(4), the expression *religious text* is used. This expression appears not to be defined, so would have its usual meaning.

This makes it unclear whether it is meant to be a reference to religious texts that have a long history, or any text that purports to be a religious text.

As an extreme example of the latter construction, someone could write a new religious text, which says what they want to be able to quote or reference, and then use this subsection to provide a defence.

The latter construction would largely undermine the purpose of Part 5 of the exposure draft, but since the subsection is providing a defence, courts might take the view that if Parliament had intended something narrower, it should have said so.

This could be avoided by providing a definition that makes it clear that the subsection is referring only to religious texts that come from history.

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