

Submission to the Parliamentary Joint Committee on Intelligence and Security

Inquiry into the Exposure Draft: Combatting Antisemitism, Hate and Extremism Bill 2026

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Recommendation: The Committee should recommend that the Parliament reject the Exposure Draft Combatting Antisemitism, Hate and Extremism Bill 2026 in its entirety and replace it with nothing. No new laws are needed. Existing criminal laws already cover violence, threats, incitement to violence, and serious offences. This Bill is a dangerous overreach that threatens fundamental freedoms, including free speech, due process, and the right to bear arms.

#### Key Reasons for Opposition

##### Severe Threat to Free Speech

The new racial vilification offence (Schedule 1, Part 5; s 80.2BF Criminal Code) criminalises public conduct (including online posts, tweets, memes, videos) that intends to promote hatred or superiority based on race, nationality, or ethnic origin and is likely to cause fear or intimidation, even if no one actually feels fear or harm occurs. Penalty: up to 5 years imprisonment.

“Public place” is defined broadly to include any online communication, effectively turning the entire internet into a regulated zone. This chills legitimate political debate, criticism of policies, satire, or edgy commentary. Vague terms like “promote hatred” invite selective enforcement against dissenting voices while protecting powerful interests.

##### Massive Loophole for Hate Preachers

A defence exempts conduct that consists only of directly quoting or referencing religious texts for religious teaching or discussion (Schedule 1, s 80.2BG(4)). This creates a blatant carve-out allowing inflammatory sermons or radical preaching to continue unchecked, while ordinary Australians face jail for similar speech outside a “religious” context. It protects one group at the expense of others, the opposite of equal protection under law.

##### Unchecked Ministerial Power to Ban Groups, Including Retroactively

The Minister can declare any organisation a “prohibited hate group” by regulation (on ASIO advice), with no procedural fairness required (Schedule 1, Part 4; Division 114A).

Membership: 7 years jail; support/recruit/fund/train/direct: up to 15 years.

Critically, this applies retroactively: Hate crime definitions include conduct engaged in before commencement if it would have constituted an offence under the new law (s 114A.3(2)-(3)). The Minister can base declarations on pre-commencement conduct (s 114A.4(2)), even overseas acts. No conviction is needed. This risks banning patriotic groups, critics of government policy, or fringe organisations arbitrarily, creating a de facto blacklist without due process. Retroactivity violates basic principles of justice by punishing past actions under future laws.

#### Reversed Burden of Proof for Hate Symbols

For prohibited symbols offences, the defendant must prove the conduct was for religious, academic, or journalistic purposes and not contrary to public interest (Schedule 1, Part 7; Division 1). This flips the presumption of innocence, guilty until you prove otherwise. Combined with broad seizure powers, it enables pre-emptive censorship of symbols, art, or historical items.

#### Gun Rights Assault

The Bill establishes a national firearms buyback scheme (2026–2027) and expands background checks using ASIO/ACC intelligence, with secrecy offences (2 years jail for leaks) and bans on importing certain firearms/accessories (Schedule 4). New offences for using carriage services to transmit firearms/explosives manufacture material apply to material obtained before commencement (Schedule 4, Part 7). Migration and customs amendments allow visa denials and seizures based on “associations” or “endorsing hatred,” considering pre-commencement conduct (Schedule 2, Item 12). This disarms law-abiding citizens under the guise of “extremism” prevention, eroding the right to self-defence without evidence that current owners pose threats.

#### Aggravated Offences and Penalties Targeting Leaders and Preachers

New aggravated offences for preachers and leaders increase penalties (up to 12 years) for advocating violence, particularly to children or as a position of authority (Schedule 1, Part 1; aggravated grooming in Part 6). While sounding targeted, vague definitions could snare educators, commentators, or activists in “edgy” debates, while radicals exploit religious loopholes.

#### Increased Penalties for Communication Offences

Penalties for using postal or similar services (including online) to menace, harass, or cause offence are hiked (Schedule 1, Part 2). This expands existing laws into broader censorship tools, potentially criminalising heated online arguments or satire with little threshold for “offence.”

#### Aggravated Sentencing Factors

Courts must treat “hate” motivations as aggravating factors in sentencing (Schedule 1, Part 3; Crimes Act 1914). Vague criteria could lead to disproportionate punishments based on subjective interpretations of intent, further chilling expression.

#### Broad Expansion of Government Control

Visa cancellations for “associations” with hate groups or statements “endorsing hatred” (no conviction needed; Schedule 2); customs bans on “extremist material” or symbols at borders (Schedule 3); and retroactive application to pre-commencement visa applications or import documentation (e.g., Schedule 4, Parts 5-6). All use vague, broad language that invites abuse. This builds a surveillance and censorship state, not safety.

#### Conclusion

This 144-page Bill is not about combating real hate or extremism, it’s a power grab dressed as virtue. It fails to target root causes (e.g., no focus on specific ideologies driving recent attacks), protects privileged speech via loopholes, applies retroactively to punish past conduct, and punishes ordinary citizens for thought crimes.

Existing laws suffice. Adding layers of vague offences, reversed burdens, retroactive application, and executive discretion will only create more division, chill free expression, disarm the populace, and empower bureaucrats to silence dissent.

Call to Action: Reject this Bill outright. Do not amend it, scrap it. Protect Australian liberties before they are lost forever.

Thank you for the opportunity to make my submission. I urge the Committee to prioritise freedom over fear-mongering legislation.

Elvis Sinosis

Proud Australian

