

Committee Secretary Parliamentary Joint Committee on Intelligence and Security

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

Dear Committee Members,

I am an Australian citizen and resident of [REDACTED] Queensland. I am writing to **strongly oppose** the Exposure Draft of the Combatting Antisemitism, Hate and Extremism Bill 2026 in its current form.

While I fully condemn antisemitism, racial hatred, violence, and any form of extremism — especially in light of the tragic Bondi Beach attack — this bill goes far beyond addressing genuine threats. It introduces overly broad, subjective, and chilling provisions that directly undermine **freedom of speech**, a fundamental Australian value protected by the implied freedom of political communication in our Constitution and by our international human rights obligations.

My primary concerns centre on the proposed new federal offence for publicly promoting or inciting racial hatred where the conduct would cause a **reasonable person to feel intimidated, harassed, or fearful of violence**. This wording is dangerously vague and subjective:

- It criminalises speech based on how others **might feel**, rather than requiring proof of actual harm, imminent violence, or direct incitement (as in existing, narrower laws like section 18C of the Racial Discrimination Act or Criminal Code offences for urging violence).
- Everyday political debate, criticism of government policies (e.g. on immigration, multiculturalism, foreign affairs, or religion), social media posts, academic discussion, journalism, or even satire could be caught if someone claims it made them feel "intimidated" or "harassed".
- The low threshold risks turning hurt feelings or disagreement into a criminal matter, creating a chilling effect where Australians self-censor legitimate opinions out of fear of prosecution.

This is not proportionate or necessary in a free society. Australia already has effective laws against threats, vilification that incites violence, and online harassment. Expanding them in this sweeping way risks stifling open debate — the very mechanism that helps us confront and defeat bad ideas.

Additionally, the proposed **carve-out** for conduct that consists only of "directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion" creates an

unacceptable inconsistency. It appears to protect certain forms of religious speech that might otherwise breach the new offence, while leaving secular, political, or cultural criticism exposed. This selective protection raises serious questions about equality before the law and could be seen as favouring one type of expression over others — further eroding trust in the fairness of these laws.

The rushed timeline (submissions closing in days, with Parliament recalled urgently) also limits proper scrutiny of such a complex, far-reaching bill that bundles hate speech reforms with unrelated firearms measures. This bundling makes it harder for Parliament and the public to debate each element on its merits.

In summary, while stronger measures against genuine hate preachers and radicalisation may have merit, this draft crosses the line into restricting core freedoms. I urge the Committee to recommend:

- Rejecting or significantly narrowing the new subjective "intimidation/harassment/fear" offence.
- Ensuring any hate speech provisions require clear intent to incite imminent violence or actual harm.
- Removing or rethinking the religious text exemption to avoid unequal treatment.
- Separating the bill into distinct pieces of legislation for proper examination.

Protecting Australians from hatred and violence must never come at the cost of silencing free speech — the foundation of our democracy. Thank you for considering my views as part of this important review.

Yours sincerely,

Irene Panshin

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