

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

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I refer to Section 80.2BF of the *Combatting Antisemitism, Hate and Extremism Bill 2026*, the intent of which is to criminalise “publicly promoting or inciting racial hatred etc.” In particular, I refer to paragraph 249 of the *Explanatory Memorandum*, which states:

249. New subparagraph 80.2BF(1)(b)(ii) is intended to include dissemination of ideas which assert that one group, distinguished by race, colour, national or ethnic origin, is inherently superior or inferior to another, ideas promoting exclusion, segregation or denial of rights based on race, colour or national or ethnic origin or encouraging contempt, hostility or dehumanisation of those groups.

I am concerned that a law prohibiting the dissemination of such ideas will capture within its scope ordinary and mainstream forms of support for Israel.

As is well known, Israeli laws and policies are routinely criticised—by UN bodies, human rights organisations, and scholars—as differentiating rights on the basis of nationality or ethnicity.

A prohibition extending to the “dissemination of ideas... promoting exclusion, segregation or denial of rights based on race, colour or national or ethnic origin” would therefore place supporters of Israel in the position of having to defend whether their political views fall foul of the proposed provision, even when those views are expressed in good faith and through lawful democratic advocacy.

This risk is heightened by the fact that support for Israel is not limited to abstract expressions of solidarity but often entails endorsement of specific legal and political structures: Israel’s self-definition as a Jewish state; its constitutional order; its citizenship and immigration laws; and its security regime in the occupied territories.

If such arrangements are deemed—by critics, courts, or international institutions—to involve exclusion or discrimination on the basis of national or ethnic origin, then advocacy in their defence could, under the Bill’s terms, be construed as promoting racial hatred.