



PARLIAMENT OF AUSTRALIA

Review of the Exposure Draft legislation: Combatting Antisemitism, Hate and Extremism Bill 2026

Parliamentary Joint Committee on Intelligence and Security

January 2026

CANBERRA

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Abbreviations

ACIC	Australian Criminal Intelligence Commission
AFP	Australian Federal Police
AGD	Attorney-General's Department
AHRC	Australian Human Rights Commission
ANIC	Australian National Imams Council
ASIO	Australian Security Intelligence Organisation
CIS	Centre for Independent Studies
Committee	Parliamentary Joint Committee on Intelligence and Security
<i>Criminal Code</i>	<i>Criminal Code Act 1995 - Schedule</i>
ECAJ	Executive Council of Australian Jewry
EM	Explanatory Memorandum
ISIS	Islamic State in Iraq and Syria
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Intersex and Asexual/Aromantic + other identities
NFF	National Farmers' Federation



Members

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Ms Sharon Claydon MP Newcastle, NSW

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Terms of reference

The Minister for Home Affairs, the Hon Tony Burke MP, wrote to the Parliamentary Joint Committee on Intelligence and Security on 12 January 2026 to refer an Exposure Draft of the Combatting Antisemitism, Hate and Extremism Bill 2026 for inquiry and report.

List of recommendations

Recommendation 1

- 1.66** The Committee urges the Parliament to work together in a constructive and collaborative manner across all parties and crossbench members to ensure that the legislative response to antisemitism, hate and extremism is effective, proportionate and reflects a unified national commitment to community safety and social cohesion.

Recommendation 2

- 1.73** The Committee understands the Government's intent in bringing forward one draft Bill to deal with all elements of its response to the Bondi attack. Noting the Government's decision not to proceed with the racial vilification provisions at this time, the Committee makes no recommendation in relation to that aspect of the Exposure Draft legislation.

Consistent with the remaining elements of the Exposure Draft legislation, the Committee recommends that (1) the hate crimes and migration provisions, and (2) the firearms reforms, proceed.

Given the importance of the hate crime, migration and firearms provisions to addressing antisemitism, hate and extremism, the Committee recommends that these measures be passed.

Recommendation 3

- 1.76** The Committee recommends that the Australian Government, in implementing the provisions contained in Schedule 4 of the Exposure Draft legislation, including negotiations with States and Territories around the national gun buyback, ensure:
- the avoidance of duplication, inconsistency and unintended enforcement outcomes;
 - that farming, rural and sporting shooters are not unreasonably disadvantaged in their businesses, lawful pursuits or national and international sporting competition; and
 - that clear guidance is provided to affected persons regarding new provisions and arrangements, and the requirements for compliance.

Recommendation 4

- 1.80** The Committee recommends that the [relevant] Bill be amended to include a specific defence for individuals who hold a valid licence permitting them to manufacture, repair, maintain or modify firearms, ensuring that possession or access to firearms- or explosives-manufacture material is not criminalised where the material relates to conduct lawfully authorised under that licence.



1. Committee report

- 1.1 The Minister for Home Affairs, Hon Tony Burke MP, wrote to the Parliamentary Joint Committee on Intelligence and Security (the Committee) on 12 January 2026 to refer an Exposure Draft of the Combatting Antisemitism, Hate and Extremism Bill 2026 (the Exposure Draft legislation) for inquiry and report.

Background and context of the review

- 1.2 On 14 December 2025 a horrific mass shooting occurred at Bondi Beach in Sydney, when two gunmen opened fire during a Chanukkah celebration, killing 15 people. More than 40 others were injured in the attack, many suffering serious and life-altering injuries.
- 1.3 The incident was declared to be a terrorist attack, and the Australian Federal Police (AFP) have alleged that the perpetrators were inspired by extremist ideology associated with Islamic State of Iraq and Syria (ISIS). One of the alleged perpetrators was shot by police at the scene, while at the time of this report the other was in custody awaiting trial on 59 charges, including 15 counts of murder.¹
- 1.4 The attack was one of the deadliest terrorist incidents in Australia's history and represented an unprecedented act of antisemitic violence in a public setting. It profoundly shocked the nation and had a significant and lasting impact on Australia's Jewish community and the broader Australian public.
- 1.5 In the immediate aftermath of the attack, the Australian Government acted swiftly to respond to the national security, law enforcement and community safety implications arising from the incident. During December 2025 and January 2026 the Government announced a comprehensive package of measures, including the development of new laws to strengthen Australia's response to antisemitism, hate speech, extremism and firearms regulation.
- 1.6 On 8 January 2026, the Prime Minister announced the establishment of a Royal Commission to examine antisemitism and social cohesion in Australia, reflecting the Government's commitment to both immediate security responses and longer-term national reflection and reform.

¹ *Bondi gunman formally charged by NSW Joint Counter Terrorism Team*, Media release, 17 December 2025, https://www.police.nsw.gov.au/news/news_article?sq_content_src=%2BdXJsPWh0dHBzJTnBJTJGJTJGZWJpenByZC5wb2xpY2UubnN3Lmdvdi5hdSUyRm1lZGhJTJGMTlyNTA0Lmh0bWwmYWxsPTE%3D; Commissioner Krissy Barrett, Australian Federal Police, *Op Arques media conference statement – 30 December 2025*, <https://www.afp.gov.au/news-centre/media-statement/afp-commissioner-krissy-barrett-op-arques-media-conference-statement-30>; both accessed 15 January 2026 .

- 1.7 On 12 January 2026 the Prime Minister announced that Parliament would be recalled on 19 January to consider this urgent legislative response. The Prime Minister advised that the first day of the recalled sitting would include a condolence motion to honour the victims of the Bondi Beach attack and acknowledge the profound impact of the tragedy on their families, the Jewish community and the nation. The Prime Minister further announced that the Exposure Draft legislation would be referred to the Parliamentary Joint Committee on Intelligence and Security for a sharp and focused inquiry, reflecting the Government's commitment to acting decisively while ensuring appropriate parliamentary scrutiny of significant national security reforms.²
- 1.8 On 17 January 2026, the Prime Minister announced that following consultations, the Government would separate the Exposure Draft legislation into two bills—one on hate crimes and migration and the other on firearms—while the proposed new racial vilification provisions in the Exposure Draft legislation would not proceed. The Prime Minister further announced that Thursday 22 January 2026 would be a National Day of Mourning for Bondi.³

Conduct of the review

- 1.9 Following the formal referral to the Committee on Monday 12 January 2026, as noted above, the Committee commenced its inquiry immediately after the Exposure Draft legislation was made public by the Government, on the morning of Tuesday 13 January 2026. The Committee invited submissions addressing the Exposure Draft legislation by 15 January 2026.
- 1.10 A very large volume – numbering in the thousands – of submissions and items of correspondence were received by the Committee during the review. The majority of these were contributions from individuals raising concerns about the Exposure Draft legislation and the timeframe for its consideration. The Committee acknowledges the communications received from a large number of Australians, and thanks their authors for their contribution to the review.
- 1.11 Due to the size of the public response and the short timeframe of the review, it was not possible for the Committee to verify and publish all submissions received prior to this report being presented. The Committee published a sample of the submissions, and a list of the submissions received and published by the Committee is provided in **Appendix A** to this report.
- 1.12 The Committee held two public hearings and one *in camera* hearing, on 13 and 14 January 2026. Details of the public hearings are provided in **Appendix B** to this report.

² The Hon Anthony Albanese MP, Prime Minister, *Parliament to be recalled for national security legislation*, Media Release, 12 January 2026, <https://www.pm.gov.au/media/parliament-be-recalled-national-security-legislation>, accessed 15 January 2026.

³ The Hon Anthony Albanese MP, Prime Minister, *Press Conference – Parliament House, Canberra*, transcript, 17 January 2026, <https://www.pm.gov.au/media/press-conference-parliament-house-canberra-17-jan-2026>, accessed 17 January 2026.

- 1.13 The Committee acknowledges and thanks the Committee Secretariat for its support in conducting this inquiry and preparing this report under an exceptionally compressed timeframe. The Committee also thanks Hansard and Broadcasting staff for their assistance in facilitating hearings and in ensuring the timely provision of evidence.

Report structure

- 1.14 This report comprises one chapter. Given the large volume of evidence received by the Committee and its extreme time limitations, this report does not seek to discuss all evidence received, but focuses on the major issues raised in evidence and the Committee's comments and recommendations on those.

Outline of the Bill

- 1.15 The Exposure Draft legislation aims to further criminalise hateful conduct, expand powers to allow for cancellation or refusal of visas and set up a national firearms buyback scheme. The Exposure Draft legislation contained five schedules of amendments:
- Schedule 1 contained amendments to legislation regarding criminal law
 - Schedule 2 contained amendments related to migration laws
 - Schedule 3 contained customs amendments
 - Schedule 4 contained amendments to firearms-related legislation
 - Schedule 5 contained transitional rules.
- 1.16 A factsheet summarising the Exposure Draft legislation in more detail, produced by the Attorney-General's Department (AGD), is available in **Appendix C** of this report. The factsheet is also available online at: www.ag.gov.au/crime/publications/factsheet-combatting-antisemitism-hate-and-extremism-bill-2026.

Key issues raised in evidence

Timeline and consultation process

- 1.17 Concern about the very short time for consideration of the Exposure Draft legislation by stakeholders and the public, including this review, was a strong theme in submissions to the Committee, and was also noted by many witnesses, who emphasised that the timeframe did not allow them to comprehensively consider the Exposure Draft legislation and all its implications. The Australian Human Rights Commission (AHRC) told the Committee:

These are complex issues which are vital to get right. Allowing only three days for this inquiry to review and report on this significant draft legislation is insufficient. It

creates risks that the legislation will not be as effective as it should be or that it will have unintended harmful consequences.⁴

- 1.18 Mr Michael Pezzullo emphasised the significant work that would need to be done across several government agencies to effectively implement the legislation. He described the proposed changes as ‘the most consequential change in this area of law since 9/11’ and said ‘I think parliament simply has to accept that you’re not going to get perfection in the drafting’.⁵
- 1.19 The Committee acknowledges the significant effort undertaken by Commonwealth officials to engage with stakeholders and jurisdictions over a short period and recognises that meaningful consultation continued even as urgent legislative development progressed.
- 1.20 A related issue discussed during the review was the nature and adequacy of consultations undertaken by Government in the preparation of the Exposure Draft legislation. While some groups welcomed being consulted on the proposals, others lamented that they had no opportunity to contribute to development of the Exposure Draft legislation.
- 1.21 In response to the Committee’s queries, the AGD advised that it held consultations and briefings with nine non-government stakeholders, and four meetings with states and territories, between late December 2025 and mid-January 2026. Ministers and their offices also engaged separately in their own consultations with stakeholders.⁶ The AGD advised that it was unable to provide information on the content of consultations, noting that they were held in confidence.⁷
- 1.22 The Department of Home Affairs advised that while it had been consulting ‘broadly’ with states, territories and some interest groups since National Cabinet agreed to pursue firearms reforms, it had not held consultations specifically on the proposed firearms amendments in the Exposure Draft legislation, noting the early stage of negotiations with states and territories on these reforms.⁸
- 1.23 Evidence from Commonwealth officials clarified that, while consultation occurred under time pressure, the Government ensured key stakeholders were engaged. Officials explained that confidentiality in some sessions was necessary.

⁴ Mr Hugh de Kretser, President, Australian Human Rights Commission, *Committee Hansard*, Canberra, 14 January 2026, p. 10.

⁵ Mr Michael Pezzullo, *Committee Hansard*, Canberra, 14 January 2026, p. 18.

⁶ Attorney-General’s Department, *Submission 1.2*, p. [4]. The non-government organisations consulted by AGD were: Executive Council of Australian Jewry (ECAJ) and Office of Australia’s Special Envoy to Combat Extremism (twice), Law Council of Australia (twice), Australian Catholic Bishops Conference, Australian National Imams Council, Jewish Council of Australia, National Council of Churches and Anglican Church Diocese, and Equality Australia.

⁷ Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group, Attorney-General’s Department, *Committee Hansard*, Canberra, 13 January 2026, p. 5.

⁸ Mr Andrew Warnes, First Assistant Secretary, Criminal Justice Division, Department of Home Affairs, *Committee Hansard*, Canberra, 13 January 2026, p. 8; Department of Home Affairs, *Submission 1.1*, p. [1].

- 1.24 Representatives of the AFP, Australian Criminal Intelligence Commission (ACIC) and Australian Security Intelligence Organisation (ASIO) confirmed that they had been consulted in the preparation of the Exposure Draft legislation.⁹

Racial vilification offence (Schedule 1, Part 5)

- 1.25 Participants in the inquiry raised a range of concerns about the Exposure Draft legislation's changes to hate crimes. This included broad concerns from many individual submitters that the changes would criminalise free speech or amount to political 'censorship'. Other contributors emphasised the importance of strengthening criminal law responses to incitement of hatred, particularly in light of recent antisemitic violence.
- 1.26 While many of the Exposure Draft legislation's amendments simply increased penalties or introduced aggravating factors in relation to existing offences (see below),¹⁰ the proposed new racial vilification offence in Division 80 of the *Criminal Code* generated the most comment. The racial vilification offence would apply in relation to:
- publicly promoting or inciting hatred toward another person or group on the grounds of race, colour or national or ethnic origin, or for the dissemination of ideas of superiority over or hatred of another person on the grounds of race, colour, or national or ethnic origin, where that conduct would cause a reasonable targeted person to fear harassment, intimidation or violence, or for their safety.¹¹
- 1.27 The offence would carry a maximum penalty of imprisonment for 5 years.¹²
- 1.28 While some contributors expressed strong support for the new offence, others were concerned that it would be too broad and risk capturing legitimate forms of expression. These concerns included the application of strict liability elements and the potential scope of the offence. For example, Mr Peter Kurti of the Centre for Independent Studies (CIS) warned that, with strict liability applied to the fear element, the offence 'invites subjective or politicised judgements about emotional impact rather than objective harm'.¹³
- 1.29 In response, the AGD emphasised that the offence was directed at serious conduct only and not intended to capture trivial, frivolous or inadvertent expression. The AGD argued that the requirement for a prosecution to prove that a reasonable person would fear harassment, intimidation or violence would help ensure that the offence would not capture trivial or frivolous conduct. However, it explained that for sufficiently serious conduct, strict liability would mean the prosecution 'wouldn't have

⁹ See *Committee Hansard*, Canberra, 13 January 2026, pp. 34-35, 38, 39.

¹⁰ Schedule 1, pts 1-2, 6.

¹¹ Exposure Draft Explanatory Memorandum (EM), p. 3.

¹² Exposure Draft of the Combatting Antisemitism, Hate and Extremism Bill 2026 (Exposure Draft), Schedule 1, item 22 (proposed section 80.2BF).

¹³ Mr Peter Kurti, Senior Research Fellow, Centre for Independent Studies, *Committee Hansard*, Canberra, 14 January 2026, p. 22.

to show that the offender was aware that their conduct would cause a reasonable member of the targeted group to have that fear'.¹⁴

- 1.30 Concerns were also raised about the availability of an offence-specific defence for 'conduct that consists only of directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion'.¹⁵ For example, Mr Peter Wertheim, of the Executive Council of Australian Jewry (ECAJ), described the defence as a 'very wide loophole that would be exploited to render the introduction of this offence ineffective'.¹⁶ He called for the defence to be removed as it 'suggests that somehow one can intentionally promote racial hatred and do so intentionally within the bounds of religious doctrine'.¹⁷ A similar point was made by Liz Stone, General Secretary of the National Council of Churches in Australia, in her evidence before the Committee.¹⁸
- 1.31 Other contributors argued that retaining a religious text defence is necessary, or that the proposed defence is too narrow. For example, Bishop Michael Stead of the Anglican Church Diocese of Sydney said it was 'absolutely essential' that it be retained and argued that it was 'insufficient' in its current form.¹⁹ Imam Shadi Alsuleiman, President of the Australian National Imams Council (ANIC), similarly argued that 'faith leaders must be given their freedom of right to express, quote, and also explain their religious scripture'.²⁰ Both also urged for the provisions to be delayed to allow more time for scrutiny and consultation.²¹
- 1.32 Some participants noted the lack of a definition of 'religious text' in the Exposure Draft legislation, raising concerns about the potential for a wider range of texts to be captured than the core scriptures of established religions. The AGD explained that the term 'religious text' would take its ordinary meaning, which would be considered by the court, but noted the draft Explanatory Memorandum states that it would include 'scripture, and translations of texts, which various religions consider to be of central importance to their religious practice'.²² The AGD also clarified that defence would only be available if solely quoting, and would not protect from other offences:

¹⁴ Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group, Attorney-General's Department, *Committee Hansard*, Canberra, 13 January 2026, p. 14.

¹⁵ EM, p. 139 [261].

¹⁶ Mr Peter Wertheim, Co-Chief Executive Officer, Executive Council of Australian Jewry, *Committee Hansard*, Canberra, 14 January 2026, p. 4.

¹⁷ Mr Peter Wertheim, Co-Chief Executive Officer, Executive Council of Australian Jewry, *Committee Hansard*, Canberra, 14 January 2026, p. 3.

¹⁸ Ms Elizabeth (Liz) Stone, General Secretary, National Council of Churches in Australia, *Committee Hansard*, Canberra, 14 January 2026, p. 45.

¹⁹ Right Reverend Doctor Michael Stead, Bishop of South Sydney, Anglican Church Diocese of Sydney, *Committee Hansard*, Canberra, 14 January 2026, p. 48.

²⁰ Imam Shadi Alsuleiman, President, Australian National Imams Council, *Committee Hansard*, Canberra, 14 January 2026, p. 41.

²¹ Imam Shadi Alsuleiman, President, Australian National Imams Council, *Committee Hansard*, Canberra, 14 January 2026, pp. 41; Right Reverend Doctor Michael Stead, Bishop of South Sydney, Anglican Church Diocese of Sydney, *Committee Hansard*, Canberra, 14 January 2026, p. 44.

²² EM, p. 139 [262]; Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group, Attorney-General's Department, *Committee Hansard*, Canberra, 13 January 2026, p. 10.

The defence purely applies to a simple direct quote from a religious text for the particular purpose of religious teaching or discussion. If anyone was quoting for other purposes—the incitement of hatred, and their surrounding conduct indicated that—the defence wouldn't be available.²³

... It's probably worth making the point that this defence is very specific to the vilification offence. There are a range of other offences that would apply, irrespective of whether there were quotes from religious texts. If you were, for example, an individual advocating for, or threatening, the use of force or violence, that would still apply.²⁴

- 1.33 The Committee notes that this evidence highlights differing views on how best to balance freedom of religion and expression with the need to prevent serious racial vilification.
- 1.34 Many contributors also considered that the offence should be broadened to criminalise the vilification of other groups, not only those based on race, ethnicity or nationality. This included calls for protection against Islamophobic attacks, which have increased substantially in recent years. The AGD confirmed that the offence's language of 'race, colour, or national or ethnic origin' draws upon language used in the *Racial Discrimination Act 1975*, and in that context the terms have been found to encompass Jewish people and other ethnoreligious groups—but would not encompass groups that are identified by their religion alone.²⁵
- 1.35 Other stakeholders recommended the offence be extended to protect against vilification on the basis of gender, sexuality or disability status. The Committee heard these concerns often framed in terms of implementation rather than opposition to the objectives of the reforms. For example, Equality Australia, in advocating for protection of the LGBTQIA+ community, told the Committee that 'hate causes serious harm wherever it's directed, and the law should offer equal protection to all communities at risk'.²⁶

Firearms amendments (Schedule 4)

- 1.36 Some participants in the inquiry raised a range of concerns about changes to firearms laws contained in Schedule 4 of the Exposure Draft legislation. This included broad concerns received from many individual submitters that the changes would impact farmers and other rural users of legal firearms as well as sporting shooters. In contrast some submitters expressed support for Schedule 4 and in particular, the gun buyback. The Committee notes that these reforms are directed toward enhancing

²³ Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group, Attorney-General's Department, *Committee Hansard*, Canberra, 13 January 2026, p. 10.

²⁴ Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group, Attorney-General's Department, *Committee Hansard*, Canberra, 13 January 2026, p. 11.

²⁵ Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group, Attorney-General's Department, *Committee Hansard*, Canberra, 13 January 2026, p. 16.

²⁶ Ms Heather Corkhill, Legal Director, Equality Australia, *Committee Hansard*, Canberra, 14 January 2026, p. 31.

public safety and national consistency in firearms regulation and do not represent a judgment on the conduct of lawful firearms owners.

National gun buyback (Schedule 4, Part 1)

1.37 In relation to the national gun buyback some participants in the inquiry were concerned around the implications this may have for those, particularly in farming and rural communities, who use firearms as a tool much as a spade or harvester would be used. The Committee received evidence from Cattle Australia and the National Farmers' Federation (NFF) that firearms are an integral part of running a farming or meat production business. As one example they pointed to recent bushfires and the horribly burnt stock that need to be euthanised with a firearm.²⁷

1.38 Pressed on details as to how the firearms buyback would work Mr Andrew Warnes, First Assistant Secretary, Criminal Justice Division, from the Department of Home Affairs stated that:

Those details are still to be negotiated and worked through with the states and territories. What the bill does is provide a framework for the buyback to occur and for appropriation to happen. The details of what's referred to in the bill as the national firearms program will be determined.²⁸

1.39 Other inquiry participants stated that the proposed reforms are not an attempt to demonise legal firearm owners or to impede their legitimate work, hobbies or sports. Rather, the reforms represent a recalibration to meet contemporary community expectations around firearm management. Those submitters supported the Exposure Draft legislation and suggested that it prioritised community safety and met community expectations particularly by enabling a national buyback scheme of prohibited and unwanted guns.²⁹

Other parts of Schedule 4

1.40 Some submitters raised concerns around what they described as an expansive definition of 'firearms and explosives manufacture material'. Several offences relate to this term, and submitters were concerned about this placing a range of legitimate actors in legal jeopardy, including service providers who are not firearms businesses but who handle technical or commercial documentation as part of their professional work. Submitters argued that these services are integral to the operation of the Australian firearms industry.

²⁷ Mr Chris Groves, Chair, Farming Systems Committee, National Farmers Federation, Dr Chris Parker, Senior Adviser, Cattle Australia, *Committee Hansard*, Canberra, 14 January 2026, pp. 35–39.

²⁸ Mr Andrew Warnes, First Assistant Secretary, Criminal Justice Division, Department of Home Affairs, *Committee Hansard*, Canberra, 13 January 2026, p. 18.

²⁹ Ms Sarah Davies, Chief Executive Officer and Mr Stephen Bendle, Senior Advocacy Adviser, Alannah and Madeline Foundation, Mr Timothy Quinn President and Mr Roland Browne, Vice President, Gun Control Australia, *Committee Hansard*, Canberra, 14 January 2026, pp. 25–30.

- 1.41 Submitters argued that, if such providers withdraw or are unable to engage due to legal risk, the resulting disruption will have an immediate and material impact on domestic manufacturing capability and, by extension, Australia's sovereign capability.

Other key issues

Other changes to hate speech and hate symbols laws (Schedule 1, parts 1, 3, 6 and 7)

- 1.42 Apart from the proposed new racial vilification offence, some participants in the inquiry commented on the Exposure Draft legislation's changes to existing hate speech laws or expressed their opposition to hate speech laws generally. A very large number of submissions received from individuals described the hate speech offences as 'censorship' of legitimate political expression or expressed concern about the criminalisation of legitimate protest activity.
- 1.43 Some contributors raised concerns about the breadth of the provisions or the 'vagueness' of key definitions, as well as the proposed increased penalties and the new aggravating factors. Other contributors supported the amendments.
- 1.44 One aspect that attracted particular comment was the proposed introduction of aggravated offences with higher penalties for circumstances where a person commits an offence in their capacity as a religious official or spiritual leader (however described) providing pastoral care or religious instruction.³⁰ Some participants were concerned that this would single out certain categories of person based on their status, rather than their conduct, or could apply to an unreasonably wide range of persons. For example, Bishop Stead told the Committee that while he could accept applying a higher standard to congregational leaders who are theologically trained, he was concerned the additional culpability would be extend to a broad range of untrained persons running, for example, a midweek Bible study or leading a Sunday school.³¹
- 1.45 Relatively few contributors commented on the proposed changes aimed at strengthening the existing 'hate symbols' laws, although some indicated their support. At the public hearing, the AFP said the proposed removal of the 'intention' fault element from the existing offences would result in additional prosecutions.³² The AFP also welcomed the proposed new ability for police to seize prohibited items.³³

Prohibited hate groups (Schedule 1, Part 4).

- 1.46 Some participants in the inquiry commented on the Exposure Draft legislation's proposed framework for proscribing 'prohibited hate groups', to be inserted into new

³⁰ EM, pp. 2–3.

³¹ Right Reverend Doctor Michael Stead, Bishop of South Sydney, Anglican Church Diocese of Sydney, *Committee Hansard*, Canberra, 14 January 2026, pp. 48–49.

³² Ms Krissy Barrett, Commissioner, Australian Federal Police, *Committee Hansard*, Canberra, 13 January 2026, p. 32.

³³ Mr Matthew Gale, Acting Assistant Commissioner, Counter Terrorism and Special Investigations, Australian Federal Police, *Committee Hansard*, Canberra, 13 January 2026, pp. 32–33.

Part 5.3B of the *Criminal Code*. For a group to be proscribed, the AFP Minister, following written advice from the Director-General of Security,³⁴ would need to be:

satisfied on reasonable grounds that the organisation has directly engaged in, prepared or planned to engage in, or assisted the engagement in, conduct constituting a hate crime targeted at a person or persons distinguished by race or national or ethnic origin, or advocated engaging in conduct constituting such a hate crime; and specifying the organisation is reasonably necessary to prevent social, economic, psychological and physical harm'.³⁵

1.47 The Exposure Draft legislation included new criminal offences for directing the activities of, membership of, recruiting for, training involving, providing support to or getting funds to, from or for a prohibited hate group.³⁶

1.48 Although some submitters strongly supported the new framework, some raised concerns related to the threshold for proscription and the carve out of procedural fairness requirements in relation to the decisions of the Director-General of Security and the AFP Minister. Others were concerned about elements of retrospectivity being built into the new regime. The AGD explained that the criminal offences in relation to prohibited hate groups would not apply retrospectively and would only be applicable once a group had been listed:

It really reflects that, when a minister is considering listing an organisation, he or she can consider past conduct. So this definition is not talking about retrospective application of the criminal law. It's not saying that someone would go to prison if they engaged in this conduct before this provision came into force. What it is saying is that the minister can consider that past conduct where it occurred prior to this provision commencing.³⁷

1.49 The Committee notes that these provisions are modelled on existing counter-terrorism frameworks and include parliamentary oversight mechanisms, including review by this Committee.³⁸

1.50 The Director-General of Security advised the Committee that some groups 'know how to stay on the right side of the law' while inflaming communal tensions. ASIO stated that the prohibited hate group framework is an important tool to prevent such groups from being given 'permission for violence'.³⁹

³⁴ EM, p. 117 [113].

³⁵ EM, p. 2.

³⁶ EM, p. 2.

³⁷ Mr Luke Muffett, Assistant Secretary, National Security & Criminal Law Branch, Attorney-General's Department, *Committee Hansard*, Canberra, 13 January 2026, pp. 21, 26.

³⁸ EM, p. 120 [133].

³⁹ Mr Mike Burgess, Director-General of Security, Australian Security Intelligence Organisation, *Committee Hansard*, Canberra, 13 January 2026, p. 41.

Migration amendments (Schedule 2)

- 1.51 Schedule 2 of the Exposure Draft legislation contained amendments to provisions relating to visas, principally amending the *Migration Act 1958* (Migration Act) to provide additional grounds on which the Minister for Home Affairs can refuse or cancel a visa, where any of the following circumstances apply:
- the person is, or was, a member or supporter of a terrorist organisation, state sponsor of terrorism or prohibited hate group, listed as such under the *Criminal Code*
 - the person has been or is involved in committing a hate crime as defined in the *Criminal Code*, whether or not they have been convicted of an offence for it
 - the person has made or endorsed public statement/s disseminating ideas of racial or ethnic superiority, and such conduct may risk harm to the Australian community or a segment of it.
- 1.52 The Committee notes that these powers would operate within the existing framework of administrative law, including judicial and merits review where applicable.
- 1.53 The Committee received some evidence expressing concern about these amendments, particularly the potential breadth of the ministerial discretions. At the public hearing, the AHRC suggested more clarity was needed about the new provisions, for example, whether liking or re-posting a statement on social media could create the grounds for a visa refusal or cancellation; and what the minimum threshold would be for a 'risk of harm' to the community.⁴⁰

Committee comment

- 1.54 On 14 December 2025, Australia experienced its deadliest terrorist attack. Fifteen innocent people lost their lives. While investigations and legal processes remain underway at the time of this report, it appears that this was an antisemitic terrorist attack aimed at Jewish Australians, and that the attackers were inspired by ISIS's violent extremist ideology.
- 1.55 The horrific attack at Bondi Beach shook our nation and reminded us of the very real harm antisemitism can cause. The Committee puts on record its deep compassion and concern for the Jewish community, who have felt this trauma most deeply. The Committee also applauds the courage of those who confronted the violence at Bondi, and mourns those who lost their own lives seeking to save others.
- 1.56 Antisemitism is not just a threat to Australians of Jewish faith, it is a direct attack on their right to live safely, openly and with dignity. It strikes at the heart of the social fabric of our multicultural country. The Committee unequivocally condemns antisemitism and supports every effort to eradicate it from Australian society.

⁴⁰ Dr Lorraine Finlay, Human Rights Commissioner, Australian Human Rights Commission, *Committee Hansard*, Canberra, 14 January 2026, p. 15.

- 1.57 National unity is vital to our national security. In its review of this important Exposure Draft legislation, necessarily short and focused, the Committee has been mindful of the urgent need to address a clear priority for our country: that acts of hatred and violence against any community will not be tolerated. The Committee is united in its determination to support efforts by the Parliament to combat antisemitism, hate and extremism, while seeking to ensure that the proposed legislation will be as effective and proportionate as possible in doing so.
- 1.58 After the Committee completed gathering evidence for its review, the Government indicated that, in order to secure timely passage of urgent reforms, the proposed legislation would proceed in separate bills and that certain measures, including the proposed racial vilification offence, would not be progressed at this time due to the absence of parliamentary support.
- 1.59 Security agencies highlighted that the evolving threat environment – including increased online radicalisation and a rise in minors appearing in counter-terrorism case loads – necessitates strengthened legislative tools. Both ASIO and the AFP advised that the Exposure Draft legislation would materially enhance their ability to respond swiftly to serious antisemitic and extremist conduct.
- 1.60 The Committee notes concerns raised in evidence to the review, including submissions about the timing of the legislation and the review, and recognises that the necessarily short timeframe constrained the ability of interested parties to carefully consider the Exposure Draft legislation prior to its enactment.
- 1.61 The Committee also recognises, however, that these constraints arise directly from the imperative to respond swiftly and decisively to the serious risks identified following the Bondi attack.
- 1.62 The Committee considers it essential that the Parliament proceed in a manner that strengthens national unity and social cohesion at a time of profound national grief. Evidence to the Committee, including from Australia’s security agencies, underscored the risks posed by heightened social tension and polarised public debate. This includes calls from national security leaders to lower the temperature of public discourse in order to reduce the risk of further harm. In this context, the Committee supports efforts to prioritise legislative measures that command broad parliamentary support and can be implemented without contributing to further division.
- 1.63 The Exposure Draft legislation seeks to address the scourge of antisemitism through a range of measures, including through the proposed racial vilification offence.
- 1.64 A Commonwealth racial vilification offence is a novel inclusion in the *Criminal Code*, and submissions surfaced the complex challenges that arise when drafting laws of this nature. It is essential that the right balance is struck and the Committee acknowledges the engagement of stakeholders with the Committee process. The contributions have been thoughtful and considered, and engagement has occurred in good faith to improve the applicability and effectiveness of the proposed offence provision. The Committee considers that the issues raised during this inquiry warrant

continued consideration as part of Australia's longer-term response to antisemitism and hate-motivated violence.

- 1.65 Hate can lead to violence and the Parliament should seek to identify actions which attempt to address the spread of hateful ideologies within the community. Addressing speech that foments hatred towards individuals or communities is important, and the Parliament should unite to act in the interests of community safety and social cohesion.

Recommendation 1

- 1.66 The Committee urges the Parliament to work together in a constructive and collaborative manner across all parties and crossbench members to ensure that the legislative response to antisemitism, hate and extremism is effective, proportionate and reflects a unified national commitment to community safety and social cohesion.**
- 1.67 Evidence before the Committee indicated that the Exposure Draft legislation intended to provide a comprehensive response to antisemitism and extremism through different policy levers. Recognising the complex nature of extremism and the need to address its various manifestations in a cohesive way, the Committee accepts there is considerable merit in this approach.
- 1.68 However, throughout the Committee's review, a number of stakeholders emphasised the value of separating these measures into more targeted legislative vehicles. Many argued that dividing the reforms would enable clearer scrutiny of distinct policy issues and facilitate more focused parliamentary debate.
- 1.69 The Committee notes the announcement by the Prime Minister on 17 January 2026 of the Government's intention to split the Exposure Draft legislation into two legislative vehicles: one containing hate crime and migration provisions and the other containing the provisions relating to gun reform. The Committee also notes the Government's intention not to proceed with the proposed racial vilification offence.
- 1.70 The Committee agrees, and believes that separating the Exposure Draft legislation into two legislative vehicles – one relating to hate crimes provisions and the other to gun reform – is a more appropriate means through which these proposals should proceed.
- 1.71 Putting the serious vilification offence to one side, the Committee considers that the migration provisions in Schedule 2, and the proposed prohibited hate group listing regime and other aspects of the hate crimes provisions contained in Schedule 1, are appropriate and proportionate. Those measures collectively represent a strong and effective response to the scourge of antisemitism and other forms of extremism. Based on the evidence received through the inquiry, the Committee recommends that the measures contained in Schedules 1 and 2 be passed as a priority.

- 1.72 The Committee further considers that the customs and firearms measures contained in Schedules 3 and 4 will make a meaningful difference to improving the safety of the Australian community and so should be progressed as a priority. The buyback, intelligence and customs measures form an impactful package that build on, and enhance, Australia's bipartisan gun safety laws. The Committee recommends that, subject to Recommendations 3 and 4, all of the measures contained in Schedules 3 and 4 be passed as a priority.

Recommendation 2

- 1.73 The Committee understands the Government's intent in bringing forward one draft Bill to deal with all elements of its response to the Bondi attack. Noting the Government's decision not to proceed with the racial vilification provisions at this time, the Committee makes no recommendation in relation to that aspect of the Exposure Draft legislation.**

Consistent with the remaining elements of the Exposure Draft legislation, the Committee recommends that (1) the hate crimes and migration provisions, and (2) the firearms reforms, proceed.

Given the importance of the hate crime, migration and firearms provisions to addressing antisemitism, hate and extremism, the Committee recommends that these measures be passed.

- 1.74 The Committee notes the concerns raised by firearm owners in Australia. The Committee accepts that the majority of firearms owners are law abiding citizens, and that the overwhelming majority use firearms responsibly and in accordance with the law. The Committee supports Schedule 4 of the Exposure Draft legislation encompassing the national gun buyback and strengthening provisions for the import, control, management and possession of firearms, across a variety of legislation. However, considering the concerns of legitimate gun owners in the community, the Committee recommends that the Australian Government, in implementing Schedule 4 including negotiations with States and Territories, ensure that farming, rural and sporting shooters are not unreasonably disadvantaged.
- 1.75 Evidence from the Department of Home Affairs confirmed that firearms licensing remains a matter for states and territories, while the Exposure Draft legislation would establish a national framework to support consistency and intelligence-sharing. Officials stressed that lawful firearm owners are not the target of these reforms, and the AFP advised that very few recent extremist investigations involved legally-held firearms.

Recommendation 3

- 1.76 The Committee recommends that the Australian Government, in implementing the provisions contained in Schedule 4 of the Exposure Draft legislation, including negotiations with States and Territories around the national gun buyback, ensure:**

- **the avoidance of duplication, inconsistency and unintended enforcement outcomes;**
 - **that farming, rural and sporting shooters are not unreasonably disadvantaged in their businesses, lawful pursuits or national and international sporting competition; and**
 - **that clear guidance is provided to affected persons regarding new provisions and arrangements, and the requirements for compliance.**
- 1.77 The Committee acknowledges evidence received during the inquiry that elements of Schedule 4 — particularly the new offences relating to firearms and explosives manufacture material, including digital files used for 3D printed weapons — risk unintentionally capturing legitimate and longstanding industry activity.
- 1.78 Expert evidence provided by the Australian Institute of Criminology also highlighted the increasing prevalence of digital firearms plans and 3D printed weapons and identified a correlation between the acquisition of such material and criminal histories or links to illicit firearms activity. This underscores the importance of strong offences targeting the illicit manufacture of firearms, while also ensuring a clear distinction between criminal conduct and legitimate, licensed professional work.
- 1.79 The Committee considers that a narrowly framed, explicit defence is necessary to provide certainty and protect the integrity of lawful industry operations, while maintaining the Exposure Draft legislation’s objective of preventing the proliferation of illicitly manufactured firearms, including those produced through emerging technologies such as 3D printing.

Recommendation 4

- 1.80 The Committee recommends that the [relevant] Bill be amended to include a specific defence for individuals who hold a valid licence permitting them to manufacture, repair, maintain or modify firearms, ensuring that possession or access to firearms- or explosives-manufacture material is not criminalised where the material relates to conduct lawfully authorised under that licence.**
- 1.81 The Committee emphasises that legislation, while essential, cannot by itself eradicate antisemitism or violent extremism. Evidence before the Committee highlighted the complex cultural, social and ideological drivers of hate, including online radicalisation and the normalisation of extremist narratives. Effective responses must therefore extend beyond criminal law to include education, community leadership, prevention and efforts to strengthen social cohesion.
- 1.82 The Committee believes that the Australian Government must continue to pursue non-legislative measures to combat antisemitism and violent extremism, including education, community engagement and prevention initiatives, alongside the implementation of legislative reforms.

1.83 In the Committee's view, it is now in the national interest for the Parliament to proceed promptly with those measures that have secured support, to honour the victims of the Bondi attack, to enhance public safety, and to allow space for national healing and reflection.

Senator Raff Ciccone
Chair
January 2026



Coalition Members' Dissenting Report

Introduction

The protection of Australians and the defence of the nation are among the Commonwealth's most serious responsibilities.

The Parliamentary Joint Committee on Intelligence and Security (**Committee**) plays a central role in the Parliament's scrutiny of national security policy and legislation and has a strong record of contributing to sound and effective outcomes across successive governments.

That work has traditionally been approached in a cooperative and, wherever possible, bipartisan manner. This reflects the principle that national security law should be carefully tested and improved, not rushed or politicised.

It is therefore regrettable that Coalition Committee members have been compelled to provide a dissenting report in relation to this inquiry into the ***Combatting Antisemitism, Hate and Extremism Bill 2026 (the Bill)***.

However, the Bill as presented to the Committee, is so poorly drafted, unclear in its operation, insufficiently safeguarded and inadequately consulted on in a transparent manner, that Coalition members cannot support the Committee's conclusions or recommend that the Parliament proceed with the legislation in its current form.

Coalition members also consider that the inquiry was conducted under conditions that materially undermined proper scrutiny.

The compressed timeframe constrained the Committee's ability to gather and test evidence in the manner expected of an independent parliamentary scrutiny body. This concern was reflected almost uniformly in submissions and witness evidence, which criticised the truncated process and the limited opportunity for considered engagement.

The *Intelligence Services Act 2001* also provides the Committee with specific powers to call for evidence. In practice, however, the statutory notice requirements attached to those powers make them effectively unusable when an inquiry is confined to only a few days.

By commencing the inquiry on 12 January 2026 and requiring completion within less than a week, the Government effectively neutralised the Committee's capacity to compel evidence, to probe contested claims, and to test the Bill against operational realities.

Coalition members regard this as a serious curtailment of the Committee's statutory function and a troubling precedent for future national-security scrutiny.

On 14 December 2025, Australia was confronted with the horrific terrorist attack at Bondi. This was an act of Islamist terrorism that directly targeted Jewish Australians as families gathered to mark Chanukah.

Fifteen innocent people were murdered in an attack designed to terrorise the Jewish community and to intimidate Australians far beyond the immediate victims.

It was not random violence. It was a calculated, ideologically motivated assault on Jewish Australians and on the fundamental expectation that in Australia people can worship, celebrate and gather in public without fear.

It was clear to most Australians in the wake of Hamas's attack on innocent Israeli civilians on 7 October 2023 that there was a growing antisemitism crisis in Australia.

Two days after Hamas murdered more than 1200 Israeli civilians on 7 October, an angry mob of extremists celebrated outside the Sydney Opera House, chanting vile antisemitic threats. This appalling rally stopped many Jewish Australians from attending the Opera House, which had been lit up in solidarity with Israel.

Following this shameful event and from that point onwards, Jewish Australians have faced escalating intimidation, vandalism, threats, and attacks on synagogues and community institutions.

Coalition members consider that, at critical points over the two years following 7 October 2023, the Albanese Government failed to respond with the seriousness and urgency required to confront the antisemitism crisis, protect Jewish Australians, and restore social cohesion.

Following the Bondi massacre, Australians expected the Government to demonstrate leadership. They expected the Government to bring forward targeted, workable reforms that would strengthen protection for Jewish Australians and confront violent Islamic extremism.

The evidence before the Committee confirms that this Bill falls fundamentally short of this expectation.

Instead, the Government has brought forward a sweeping omnibus package, covering criminal law, hate-group listing powers, migration character provisions and firearms policy, under an extraordinarily compressed timeframe and as the evidence clearly demonstrates, without adequate, transparent consultation on the final drafting.

What we are left with is a Bill that leaves key concepts undefined, embeds foreseeable loopholes, risks chilling lawful speech, and fails to deliver the focused counter-terrorism response Australians were promised.

Indeed, even the Chair's Report acknowledges at paragraph 1.68 that:

...throughout the Committee's review, a number of stakeholders emphasised the value of separating these measures into more targeted legislative vehicles. Many argued that dividing the reforms would enable clearer scrutiny of distinct policy issues and facilitate more focused parliamentary debate.

For these reasons, Coalition members could not support the Bill as it was drafted.

Announcement by the Prime Minister

The Prime Minister's announcement on Saturday 17 January 2026, that the Government will abandon the proposed Commonwealth racial vilification offence and split Schedule 4 (firearms) out for separate consideration - validates Coalition Committee members' central concern: the original package was rushed, unstable and not ready for Parliament.

A Government confident in its drafting does not remove major components mid-process. These late changes are a clear admission that the legislation was not properly consulted on, not properly tested, and not properly calibrated.

Support for parts of the Bill:

Coalition members support Part 4 of Schedule 1's intent to disrupt hate-based organisations and note the proposed listing framework is a constructive step. Coalition members do note that witnesses raised questions about threshold and safeguards and consider these should be addressed to strengthen the scheme and maintain public confidence.

In relation to provisions directed to stopping extremists and protecting Jewish Australians, Coalition Committee members recommend the Government work constructively with the Coalition to achieve an outcome that ensures practical, enforceable reforms properly focused on stopping extremists and keeping Jewish Australians safe - the basic test the Coalition has always applied.

This includes measures that:

- Introduce aggravated offences for preachers and religious leaders (noting definitional clarity is required);
- Increase the penalty for using a postal or similar service to menace, harass or cause offence;
- Introduce aggravating factors for sentencing;
- Introduce aggravated grooming offences; and
- Provisions relating to Hate Symbols.
- In relation to Migration based amendments measures that:
 - prevent non-citizens who materially support violent extremist organisations, or who seek to import or distribute violent extremist propaganda or prohibited hate symbols, from entering or remaining in Australia; and

- provide additional character grounds enabling the Minister for Home Affairs to refuse to grant or to cancel a visa on the basis of hate motivation conduct.

Coalition Committee Members recommend that any legislation that is passed must be subject to a review by the Committee 2 years from its commencement date.

Consultation and Scrutiny Failure

Despite its title, the Bill was not narrowly directed at antisemitism or Islamist extremism.

It is a broad omnibus package that spans criminal law, hate-group listing powers, migration character provisions and firearms policy in one Bill.

Legislation responding to the murder of Jewish Australians at Bondi should be clearly and unapologetically directed at countering antisemitism and the extremist ideologies that fuel violence against Jews - Islamic Extremism.

Broad social-policy reform and contested expansions of speech regulation should not be bundled into a national-security response to terrorism.

Coalition Committee members consider the Government's consultation on, and scrutiny of, the Bill to have been inadequate to the point that basic accountability and process transparency cannot be demonstrated.

This is not a minor complaint. Consultation failures go directly to the quality, legitimacy and workability of legislation. For a Bill of this scale and consequence, adequate, transparent consultation and proper scrutiny is essential.

This is reinforced by evidence in the Chair's Report, which concerningly acknowledges at paragraphs 1.15 and 1.18:

“Concern about the very short time for consideration of the draft legislation by stakeholders and the public, including this review, was a strong theme in submissions to the Committee, and was also noted by many witnesses, who emphasised that the timeframe did not allow them to comprehensively consider the draft bill and all its implications”.

“A related issue discussed during the review was the nature and adequacy of consultations undertaken by Government in the preparation of the draft legislation. While some groups welcomed being consulted on the proposals, others lamented that they had no opportunity to contribute to development of the bill.”

Indeed, in relation to Schedule 4 of this Bill – Firearms Reform – the Chair's Report specifically references evidence as follows:

The Department of Home Affairs advised that...it had not held consultations specifically on the proposed firearms amendments in the Exposure Draft Legislation...

All non-Government members of Parliament and almost all external stakeholders were only provided with the final exposure draft and explanatory materials on 13 January 2026, one day before the hearings commenced and one week before the Government said it had intended the Bill to pass.

This stands in sharp contrast to established Committee practice for legislation of comparable complexity and consequence.

We are informed through reporting that there has been more than 7000 submissions received by the Committee and many submissions explicitly stated that contributors had not been afforded adequate time to review hundreds of pages of material, consult internally, obtain legal advice, or assess operational consequences.

Key stakeholders declined to appear as witnesses, including peak bodies, because they could not provide evidence responsibly without adequate time to analyse the draft.

Officials when questioned by Coalition Committee members at the hearings could also not explain the consultation process, with evidence across both hearing days indicating the Government did not have a transparent consultation process on the final drafting, including that:

- Attorney-General's Department officials could not state how many Jewish groups were consulted, could not provide key dates (including whether consultation began in 2025), and repeatedly took basic questions on notice;
- officials acknowledged no stakeholder had been provided a complete exposure draft prior to the day before, and that the "version before you" was finalised "yesterday"; and
- Consultation was conducted on a "view-only" basis. In some cases, stakeholders were permitted only to read selected provisions during the meeting and were not provided copies to take away. This materially limited genuine scrutiny and legal analysis.

As Ms Chidgey acknowledged:

"It was understood ... that we were providing the provisions for them to look at within that consultation environment but not take them away".

When questioned at the hearings, officials were unable to clearly identify:

- who was consulted on the final drafting;
- when meaningful consultation began;
- what versions of the Bill were shown to stakeholders;
- whether stakeholders were given adequate time to assess the final text;
- who was shown which parts of the Bill and when;
- who was shown the "religious text" defence and when; or
- how feedback was incorporated into drafting decisions.

Coalition members consider this approach is indefensible.

Legislation of this scale and significance must be clear, workable and legitimate if it is to protect communities and command public confidence.

“View-only” consultation is fundamentally inconsistent with meaningful engagement on complex criminal law reforms and prevents experts and affected communities from undertaking the detailed analysis Parliament requires.

Consultation on laws of this scale is essential to ensure the legislation is clear, enforceable, and well-drafted, fits coherently with related regimes, and ultimately commands public confidence by being targeted, fair and workable.

However, the evidence before the Committee demonstrates that the Bill has not benefited from adequate, transparent consultation.

The Racial Vilification Offence

Undefined Concepts and Legal Uncertainty

Coalition Committee members note the Prime Minister’s announcement on Saturday 17 January 2026 that the Government will abandon the proposed Commonwealth racial vilification offence and will not proceed with that element of the Bill.

Given the significant concerns raised during the inquiry – including evidence and feedback from a wide range of stakeholders, and the Coalition’s own serious concerns about the drafting and operation of this provision – Coalition members consider it appropriate to record comments on that part of the Bill notwithstanding the Government’s announcement.

The Bill was to introduce new criminal offences and defences in a highly contested area of speech and expression, while leaving several central concepts undefined. This was the new racial vilification offence.

The offence would criminalise publicly promoting or inciting hatred towards a person or group on the grounds of race, colour, or national or ethnic origin, including by spreading ideas of racial superiority, where the conduct would cause a reasonable member of the targeted group to fear harassment, intimidation or violence.

Coalition Committee members note that a number of key terms are not defined on the face of the Bill, including “hatred”, “promote”, “incite”, and “ideas of racial superiority”.

The Explanatory Memorandum also states that:

The term disseminate would take its ordinary meaning. It is intended to capture conduct which includes publishing, broadcasting, distributing or otherwise making available ideas or material which conveys ideas of superiority over or hatred of a group distinguished by race, colour or national or ethnic origin to the public. This

can occur, for example, through speeches, printed publication, online posts, videos, podcasts or graffiti.

Whilst the Bill's Explanatory Memorandum also states that terms such as "promote", "incite" and "hatred" are intended to take their ordinary meaning, critics argue this leaves Australians less able to identify the boundary between lawful and unlawful conduct without litigation

These concepts are inherently contestable and, as raised by submitters and witnesses, their breadth and ambiguity risks leaving Australians unable to confidently identify the boundary between lawful and unlawful conduct, with practical meaning to be tested through litigation.

Indeed, the Chair's report at paragraph 1.43 acknowledges:

Some contributors raised concerns about the breadth of the provisions or the 'vagueness' of key definitions...

Officials were also unable to provide clarity on whether slogans such as "globalise the intifada" or "from the river to the sea" would be captured by the Bill.

Senator DUNIAM:Would the expression 'globalise the intifada' be criminalised under the bill we have before us?

Ms Chidgey: It's not possible for us to comment on particular fact scenarios... Convictions for any particular conduct inevitably rely on all the facts and consideration by a court.

Senator DUNIAM: What about the expression, then, 'From the river to the sea'?

Ms Chidgey: I'd give the same answer.

Ambiguity invites litigation, not certainty.

Criminal law should be drafted with sufficient clarity so Australians can understand the boundary between lawful and unlawful conduct and so authorities can enforce the law consistently.

Meaning of Religious Text

Coalition Committee members are concerned that officials were unable to provide a workable definition of "religious text" or explain what "central importance" means in practice.

Instead, they repeatedly deferred the boundary of the defence to future court determination on a case-by-case basis.

Coalition members consider this is a fundamental flaw: a criminal-law defence that can determine liability should not turn on an undefined, contestable category, particularly where many faith traditions have layered sources of authority.

The result is foreseeable uncertainty, inconsistent application and an incentive for extremists to frame material as "text" to invoke immunity and litigate later.

Senator DUNIAM: Okay. Can we just go back to this issue of 'religious text' that we talked about a bit earlier on. In the explanatory memorandum - page 139, paragraph 262 - it talks about what Ms Chidgey said before: The term ... is intended to take its ordinary meaning and include scripture, and translations of texts, which various religions consider to be of central importance to their religious practice. Again, we're not looking at defining that, or the law will not specify what is a text or what is not. Islam have the Koran, but they also have the Hadith and various versions of it. Is that something that was in contemplation when we were talking about religions considering texts to be of central importance to their religious practice?

Ms Chidgey: We wouldn't comment on individual texts that are in. I think the key for us is that it is texts that religions consider to be of central importance to their religious practice. There would be the process for a court to consider that, with the defendant having to put forward evidence and the prosecution being able to counter that.

Senator DUNIAM: And is there a threshold for 'central importance'?

Ms Chidgey: That is our view of the kinds of texts that would be captured by this.

Senator DUNIAM: What does that mean, though? There are supplementary documents to a central - like, with the Bible, there are various other documents that scholars have argued should have been included in the Bible. As I said before, there's the Koran, and then you have the Hadith, which are those further 'guides to life', as they call them.

Ms Chidgey: Ultimately, to be considered by a court, it would need to be a central text...

Coalition members also note that Schedule 1 uses the concepts of *“religious official”* and *“spiritual leader or other leader ... who provides religious instruction or pastoral care,”* but does not provide clear statutory definitions for these categories.

In evidence, Attorney-General's Department officials confirmed these terms are intended to take their “ordinary meaning” and acknowledged the breadth of what may fall within scope.

Officials gave examples that extend beyond formal clergy to include informal figures such as “gurus, visionaries, guides or mentors”, and accepted that even a person hosting a Bible study in their living room could potentially be considered a “spiritual leader” depending on the circumstances.

In evidence to the hearing Ms Chidgey said:

“Spiritual leader, ordinary meaning in the view of the department is ... those that guide individuals or groups in their spiritual practices, that might include faith, values or morals. Wouldn't necessarily include an official title and it could include, for example, those who might be classified as gurus, visionaries, guides or mentors.

And then confirmed the living-room Bible study example when asked “So that could include someone who, in a private - in a living room hosting a Bible study ... a spiritual leader could include someone in that scenario?”

“Yes, where they’re acting as a leader.”

Coalition members consider that this vagueness risks inconsistent interpretation for communities and law enforcement.

The Protection of Hate Speech - The “Religious Teaching” Defence:

Coalition members are particularly concerned by the Bill’s “religious teaching or discussion” defence, which purports to exempt certain conduct from criminal liability where the conduct consists of quoting or referencing a “religious text” for the purpose of religious teaching or discussion.

The Explanatory materials state:

A defence is available if the conduct consists only of directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion.

Coalition Committee members are deeply concerned the defence creates a foreseeable pathway for hate speech exploitation.

Extremists can seek to present hateful material as “religious teaching or discussion” by selectively quoting or “referencing a religious text” and then argue that the conduct falls within the defence.

This is the opposite of what the public expects from legislation brought forward in the wake of a terrorist attack targeting Jewish Australians. A law intended to stop hate should not contain a built-in mechanism that shows hate preachers how to avoid accountability.

Coalition Committee members consider this outcome extraordinary. The public expects Parliament to stop hate - not to hand extremists a potential legal shield.

These concerns are reflected in the Chair’s report, which acknowledges at paragraph 1.28 that evidence raised concerns about an offence-specific defence for conduct consisting only of quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion.

The Chair’s report notes that Mr Peter Wertheim of the Executive Council of Australian Jewry described the defence as a “very wide loophole” likely to be exploited so as to render the offence ineffective and called for its removal on the basis it suggests a person could intentionally promote racial hatred “within the bounds of religious doctrine”.

A similar concern was raised by Ms Liz Stone, General Secretary of the National Council of Churches in Australia, in evidence before the Committee.

Indeed Chris Merrit, vice-president of the Rule of Law Institute of Australia, in his opening statement to the Committee stated:

But it has a fatal flaw. Its legitimate goal is at risk of being undermined by the proposed defence which protects those who include a quote from a religious text or even a mere reference.

Unless this defence is removed, it would amount to a betrayal of members of the Islamic community who might oppose religious leaders using their position to promote Jew hatred.

It would be seen as encouragement for hate preachers who have promoted Jew hatred in recent years by linking their statements to the reading of religious texts. This cannot be what parliament seeks to achieve.

The defence amounts to a guide for hate preachers. It tells them exactly what they need to do in order to continue promoting racial hatred with impunity.

Again, Coalition Committee members consider this outcome extraordinary.

The public expects Parliament to stop hate - not to hand extremists a clear defence pathway and litigation incentive.

Impact on Free Speech

Thousands of submissions to the Inquiry raise concerns in relation to the Bill's impact on free speech.

Indeed, the Chair's Report itself at paragraph 1.42 acknowledges this saying:

A very large number of submissions received from individuals described the hate speech offences as 'censorship' of legitimate political expression or expressed concern about the criminalisation of legitimate protest activity.

This is reinforced against at paragraph 1.26 of the Chair's report:

While some contributors expressed strong support for the new offence, others were concerned that it would be too broad and risk capturing legitimate forms of expression. These concerns included the application of strict liability elements and the potential scope of the offence. For example, Mr Peter Kurti of the Centre for Independent Studies (CIS) warned that, with strict liability applied to the fear element, the offence 'invites subjective or politicised judgements about emotional impact rather than objective harm'

Other evidence in online submissions included:

"I strongly urge you to oppose Labor's hate speech legislation as currently drafted. The bill grants broad and unclear powers that risk chilling legitimate speech and discouraging Australians from participating in public debate. Criminal law should provide certainty, not ambiguity....These are serious concerns that

deserve proper scrutiny, not rushed passage. Please stand up for legal clarity, democratic norms, and free expression by voting against this bill.”

Coalition members share these concerns. As drafted, the Bill risked criminalising speech far removed from antisemitism or violent extremism and may chill lawful debate.

The problem is that the Bill creates new Commonwealth criminal offences in an area where people argue and disagree – public speech and debate – while leaving key ideas poorly defined. That makes it hard for Australians to know what is lawful and encourages self-censorship. It also risks leaving police, prosecutors and courts to work out the limits later through test cases.

The Bill is also intended to apply to modern communications, including online speech. That means it can affect ordinary Australians, not just extremists. When that wide reach is combined with unclear thresholds and an uncertain “religious teaching or discussion” defence, the Bill risks the worst of both worlds: confusion and a chilling effect for law-abiding Australians, while determined extremists argue loopholes and litigate.

Coalition members condemn antisemitism, intimidation and extremist propaganda. The point is not to protect hate – it is to ensure the law is tight and targeted, so it stops real incitement and threats without sweeping up lawful public debate.

Schedule 2 – Migration Amendments

The information provided by the Attorney General’s Department states:

Part 1 of Schedule 2 of the Bill would make amendments to the *Migration Act 1958* to provide additional character grounds which will enable the Minister for Home Affairs to refuse to grant or to cancel a visa on the basis of hate motivation conduct and offences relating to the spread of hatred and extremism where the Minister is appropriately satisfied of the relevant considerations for that ground.

Part 2 of Schedule 2 would also amend the Migration Regulations 1994 to extend existing provisions that permanently exclude a person from returning to Australia where they have had a visa cancelled under s 501, so that the permanent exclusion would also apply to a person who has been refused a visa under the new provisions that would allow the Minister to refuse or cancel a visa on grounds that specifically address hate motivated conduct and conduct or offences relating to the spread of hatred and extremism.

Coalition members consider these raise legitimate policy objectives and recommend the Government work constructively with the Coalition to achieve an outcome that ensures practical, enforceable reforms focused on stopping extremists and keeping Jewish Australians safe - the basic test the Coalition has always applied.

Schedule 3 – Customs

The information provided by the Attorney General's Department states:

Part 1 of Schedule 3 would make amendments to Customs Regulations to seek to prohibit the import or export of goods that are violent extremist material, prohibited hate symbols and goods that contain such things. These amendments also seek to remove the objectionable goods commercial quantity condition to allow for more severe penalties to be imposed where customs law has been breached.

Part 2 of Schedule 3 would make further amendments to expressly provide, on the face of the legislation, the Minister's power to make instruments in respect of the prohibition on goods. This power will complement the public safety test for firearms and weapons amendments elsewhere in firearm reforms.

Coalition members consider these raise legitimate policy objectives and recommend the Government work constructively with the Coalition to achieve an outcome that ensures practical, enforceable reforms focused on stopping extremists and keeping Jewish Australians safe - the basic test the Coalition has always applied.

Schedule 4 - Firearms Amendments

Coalition Committee members unequivocally condemn antisemitism, hate-motivated violence and violent extremism. We support strong, effective and proportionate measures to protect Australians and uphold national security.

Coalition Committee members cannot support Schedule 4 of the Bill, which proposes significant changes to Australia's firearms laws, including a national firearms buyback scheme and expanded import restrictions.

The evidence before the Committee demonstrates that these measures are poorly consulted, inadequately justified, and unlikely to achieve their stated objectives, while imposing disproportionate burdens on lawful firearm owners, primary producers and state governments.

Coalition Committee members are not opposed to sensible, evidence-based firearm reform that genuinely enhances public safety. However, we strongly oppose and must reject the current proposal, which is a fundamentally flawed policy that targets the wrong people and ignores the measurable threat. It is nothing more than window dressing that totally fails to address gun-related crime.

Schedule 4 reflects a reactive, politically driven approach, rather than the careful, evidence-based reform Australians expect in this highly regulated policy area.

The evidence is at odds with these reforms.

The Australian Institute of Criminology (AIC), in its 2021 report "National Homicide Monitoring Programme and illicit firearms" provides statistical data which have not been considered demonstrating the poor targeting of these reforms:

- There are over 260,000 illicit firearms in circulation.
- Including 200,000 long-arms and over 60,000 handguns, all of these weapons are unregistered and held by unauthorised individuals for the sole purpose of criminal activity.
- These firearms are possessed by Middle Eastern Crime Gangs (MECG) and Outlaw Motorcycle Gangs (OMCGs) – networks that often overlap with the very radicalised elements that led to the Bondi tragedy.

Instead, this legislation is aimed at the soft target of the 964,000+ law-abiding, licensed firearm owners, while repeatedly saying these are the people the police know about and already audit and regulate. That Schedule 4 targets all licensed firearms owners; labelling them as potential terrorists is a derogatory slur.

By focusing on the tools of farmers and sports shooters, the Government is ignoring the quarter-million illegal weapons that are actually used in "public place shootings" and terrorist acts. This legislation was an opportunity to address this greater risk that has been missed.

Failure of Consultation and Lack of Detail

Coalition Committee members are deeply concerned by the lack of meaningful consultation undertaken prior to the introduction of Schedule 4 and the lack of detail provided under the Bill which is mirrored by views of stakeholders.

Evidence from hearings and submissions consistently showed that:

- farmers, primary producers, sporting shooters and firearms industry participants were not consulted in advance;
- stakeholder organisations were given insufficient time to review the Bill or consult their members; and
- technical experts in firearms policy were excluded from policy development.

The truncated inquiry timeframe compounded these failures.

Expert submitters with extensive experience in firearms regulation and violence prevention told the Committee that the compressed process prevented detailed, evidence-based analysis and undermined the quality of scrutiny.

Coalition Committee members consider this approach inconsistent with best-practice law-making.

National Firearms Buyback Scheme

Lack of State and Territory Support

Coalition Committee members note the clear resistance from state and territory governments to the proposed buyback scheme, particularly its funding model.

The Northern Territory has publicly rejected the scheme on the basis that it should not be required to co-fund a Commonwealth initiative. Tasmania and other jurisdictions have also raised concerns about cost-sharing, implementation and the interaction with existing licensing systems. This is a departure from the successful gun buyback program of 1996 where the Federal Government bore the cost of the measure.

These objections highlight a fundamental flaw: firearms regulation in Australia operates through cooperative federalism, and Schedule 4 has been advanced without securing that cooperation.

Proceeding without state and territory support risks implementation failure and undermines the integrity of Australia's existing firearms framework.

Impact on Lawful Owners and Primary Producers

Coalition Committee members are concerned that Schedule 4 will unfairly burden lawful firearm owners, particularly farmers and primary producers who rely on firearms for legitimate purposes such as pest control, animal welfare and land management.

Recreational and sporting shooters, whether they be competitive shooters or hunters utilise different types of firearms, undertake ammunition reloading for highly calibrated shooting, and update and vary accessories.

These amendments would make even the most mundane of those activities illegal either through restrictions on imports or prohibitions on sharing online manuals for cartridge reloading and other technical papers.

The language used in the draft legislation refers to items that are already restricted under previous legislation and demonstrates a concerning lack of understanding of the law and the nature of firearms. Proper consultation would have prevented those drafting errors being made.

Despite government assurances, evidence raised credible concerns that essential firearms may be captured by the buyback or import restrictions, with limited replacement options and inadequate compensation. Restrictions on importing firearms and accessories such as straight-pull rifles will directly affect lawful users who already operate under some of the strictest firearms laws in the world.

Coalition Committee members reject any approach that treats responsible, licensed Australians as part of the problem rather than recognising them as partners in community safety.

Lack of Evidence on Crime Reduction

Coalition Committee members are not satisfied that Schedule 4 is supported by evidence demonstrating it will reduce firearm-related crime, hate-motivated violence or extremism.

The Government has not provided robust modelling showing that a buyback scheme will achieve outcomes beyond reducing the number of legally held firearms.

Researchers have shown that gun licences have grown in as diverse Australians from farmers and vertebrate pest managers to competitive shooters and hunters.

There are approximately 1,000,000 gun licence holders across Australia. Some of these citizens are from regional Australia, but many live in urban areas where they store firearms in highly secure and monitored storage (by state police checks). The rights of these citizens to pursue these legal and tightly controlled enjoyments should be protected by Australian law.

Expert evidence before the Committee highlighted that most firearms used in serious crime are illicit and unregistered, and that buyback schemes predominantly attract compliant, low-risk owners. No witnesses were able to provide data demonstrating that Schedule 4 would meaningfully reduce illegal firearms or extremist violence.

Australian data shows that firearm homicide, firearm suicide and armed robbery involving firearms have remained low or declined over decades, even as the number of legally held firearms has increased.

Expert submitters identified alternative strategies with stronger evidence bases, including targeted policing, disruption of illicit firearms trafficking, intelligence-led interventions and addressing the drivers of radicalisation and violence.

Schedule 4 as drafted does not adequately reflect these approaches.

Related Background Check Reforms

Coalition members support the enhancement of firearms background checks proposed in Schedule 4 as a sensible, evidence-based reform to improve public safety without undermining legitimate ownership.

Schedule 4 inserts new head-of-power provisions into the *AusCheck Act 2007* to enable a background checking framework that integrates Commonwealth intelligence into firearms licensing decisions, facilitating consideration of security relevant information from agencies such as the Australian Security Intelligence Organisation (ASIO) and the Australian Criminal Intelligence Commission.

This will allow more comprehensive and continuous assessment of individuals applying for or holding firearms licences, including “own motion” checks where new intelligence arises, and support the timely sharing of relevant information between agencies. The reforms acknowledge the reality that current state only background checking systems may not have

access to the full spectrum of national security information and seek to address this gap in a proportionate manner.

By strengthening cross-agency information flows and modernising background checks to include security assessments, these measures aim to reduce the risk that individuals who pose a threat to national security or community safety can obtain or retain access to firearms, balancing the rights of responsible owners with the need to protect the broader Australian community.

When applied proportionately and with appropriate safeguards, enhanced intelligence-led background checks can contribute to improved public safety while maintaining the integrity of lawful firearm ownership.

Coalition members note, however, that a significant difficulty with Schedule 4 is that necessary and sensible reforms have been bundled together with measures that are poorly justified and highly contested. While the Coalition supports targeted improvements such as enhanced intelligence led background checks, these provisions have been inappropriately combined with broader firearms buyback and import restriction measures that lack sufficient evidence, consultation and state support. This omnibus approach has limited proper scrutiny and forced consideration of fundamentally different policy measures as a single package. Coalition members consider that the background checking reforms would be more appropriately dealt with as a separate part of the legislation, allowing them to proceed on their merits without being undermined by unrelated and problematic provisions.

Conclusion

Coalition Committee members support decisive action against hate and extremism, but Schedule 4 of the Bill fails to meet the standards of evidence-based policy, proper consultation and cooperative federalism.

Coalition Committee members are particularly concerned that the measures in Schedule 4 risk unfairly restricting the rights and activities of a minority of Australians who lawfully and responsibly own and use firearms.

Lawful firearm ownership, including for farming, pest control and sporting purposes, is a legitimate activity undertaken under strict licensing, training and compliance regimes.

The fact that these activities are pursued by a minority of Australians does not diminish their legitimacy, nor does it justify restricting those activities in the absence of clear research or data demonstrating a need for change.

Coalition Committee members reject any approach that allows policy to be driven by lack of familiarity or understanding of lawful firearms use, rather than evidence of risk or harm.

Coalition Committee members note that Schedule 4 is being removed from the Bill and new legislation being drafted. This would be referred to a separate parliamentary inquiry, allowing adequate time for consultation, expert analysis and genuine engagement with states and affected stakeholders.

Final Coalition Recommendation

Coalition Committee members note the Prime Minister's announcement that, in light of insufficient public and parliamentary support, the Bill will not proceed in its current form.

Coalition Committee members agree that this is the appropriate course.

Coalition Committee members further note that the Government has indicated that Schedule 4 is being redrafted and progressed as a separate Bill. As that revised legislation has not been before the Committee, the Committee has not had an opportunity to scrutinise its provisions or receive evidence in relation to its operation and is therefore unable to comment on its merits at this time.

Coalition members reaffirm their support for strong, targeted and enforceable measures to combat antisemitism, disrupt violent Islamist extremism and protect Jewish Australians.

Coalition members recommend that the Government work constructively with the Coalition on a revised legislative package that is clearly drafted and operationally workable and directed to the practical objective of preventing extremist intimidation and violence and ensuring Jewish Australians can live, worship and gather in safety.

Coalition members further recommend that any legislation enacted include a requirement for review by this Committee two years after commencement, to assess effectiveness, enforceability, unintended consequences, and whether further amendments are required.

Mr Phillip Thompson OAM MP
Deputy Chair

Senator the Hon Michaelia Cash

Senator the Hon Jonathon Duniam

Senator Susan McDonald

Hon Angus Taylor MP



A. List of submissions

Submissions received and published by the Committee as at 3.00pm (AEDT) on Monday 19 January 2026 (refer to paragraph 1.11)

- 1** Attorney-General's Department and the Department of Home Affairs
 - 1.1 Supplementary to submission 1
 - 1.2 Supplementary to submission 1
 - 1.3 Supplementary to submission 1
- 2** Mr Eric Lai
- 3** Mr Paul Towler
- 4** Ms Pixie Duran
- 5** Mr Richard Baxter
- 6** Mr Bradley Webb
- 7** Mr Scott Martin
- 8** Irene Panshin
- 9** Mr Grant Moffat
- 10** Australian Federal Police
- 11** Mohamed Shehab
- 12** Ms Sylvia Else
- 13** Professor Emeritus Patrick Parkinson AM, MA, LL.M, LL.D
- 14** Dr David Brophy
- 15** Mr Maxwell Davenport
- 16** Mrs Jane Saunders
- 17** Mr Christopher Pendlebury
- 18** Mr Elvis Sinovic

- 19** Mr Liam Gilroy
- 20** Mr David Parr
- 21** Merillot
- 22** Dr Mark Fowler
- 23** Mr Denis Waddell
- 24** Mrs Catherine Fettell
- 25** ACT Pistol Association
- 26** Mr Tyler Green
- 27** Mr Kevin Milne
- 28** Centre for Indigenous People and Work
- 29** Freedom Publishers Union
- 30** Stand Up Now Australia
- 31** Oz Fish and Game
- 32** ACT Multicultural Council
- 33** Gympie Pistol Club Inc
- 34** SSAA Sydney Branch
- 35** Australian Recreation Union - South Australia
- 36** Prosperity Institute
- 37** Thornton Hunting and Outdoors
- 38** Baramadagal Darug Tribal Governing Council
- 39** Firearm Owners United
- 40** Australian Recreation Union
- 41** FCA-ACT
- 42** Professor Mark Nolan (BSc(Hons)/LLB, MAsPacSt, PhD (ANU), SFHEA)
- 43** SSAA ACT Inc
- 44** Jewish Voices of Inner Sydney

- 45 Canberra Multicultural Community Forum Inc
- 46 Libertarian Party of WA
- 47 Canberra Palestinian Community
- 48 Shooters Union Australia
- 49 Oceania Precision PTY LTD
- 50 Australian Multicultural Action Network Inc
- 51 Universities Australia
- 52 Minority Impact Coalition Ltd
- 53 Shooters Union Queensland Collectors Branch
- 54 Palestinian Community of Western Australia
- 55 New South Wales Amateur Pistol Association
- 56 Muslim Legal Network
- 57 Centre for Independent Studies
- 58 Australian Clay Target Association Ltd
- 59 Senator Fatima Payman
- 60 LGB Alliance Australia
- 61 Aligned Council of Australia
- 62 Working with Women Alliance
- 63 Alannah & Madeline Foundation
- 64 British Australian Community Inc.
- 65 Maat's Method
- 66 ICORE Australia Inc
- 67 Pistol Australia Inc
- 68 Hon Bob Katter MP
- 69 State Forest Hunting for Queensland
- 70 National Association for the Visual Arts

- 71 FREE SPEECH UNION OF AUSTRALIA
- 72 Refugee Council of Australia
- 73 SSAA NSW
- 74 Australian Christian Lobby
- 75 SSAA Inc
- 76 NSW Firearm Dealers Association
- 77 Jumbunna Institute for Indigenous Education and Research, UTS
- 78 Readers and Writers Against the Genocide
- 79 Common Grace
- 80 Defend Dissent Coalition
- 81 Students For Palestine
- 82 Justice and Equity Centre
- 83 Never Again Is Now
- 84 Islamophobia Register Australia
- 85 Grycol International Pty Ltd
- 86 North Shore Regional Target Shooting Complex Management Association Inc
- 87 ACTIVE WATCHFUL WAITING INC
- 88 Australians for Science and Freedom
- 89 The Information Rights Project
- 90 Precision Rifle NSW Inc
- 91 Australian Association of Christian Schools
- 92 Victorian Equal Opportunity and Human Rights Commission
- 93 Muslim Votes Matter
- 94 Australian Federal Police (AFP)
- 95 Law Council of Australia
- 96 AIJAC

- 97** Australian Federation of Disability Organisations
- 98** Australian Council of Social Service
- 99** Gun Control Australia
- 100** Senator the Hon Matthew Canavan
- 101** Jewish Council
- 102** Australia Palestine Advocacy Network
- 103** Libertarian Party Victoria
- 104** Gender Justice Australia
- 105** Mr Samuel Stewart
- 106** SSAA NSW Ltd Grafton Branch
- 107** Institute for Civil Society
- 108** Australia's Special Envoy to Combat Antisemitism
- 109** FamilyVoice Australia
- 110** Settlement Council of Australia
- 111** Melbourne Diwali
 - Attachment 1
- 112** Royal Australasian College of Surgeons
- 113** Democratic Labour Party
- 114** Refugee Advice & Casework Service
- 115** Online Hate Prevention Institute
- 116** Antique & Historical Arms Collectors Guild of Victoria Inc.
- 117** Liberty Victoria and NSW Council for Civil Liberties
- 118** Victorian Aboriginal Legal Service (VALS)
- 119** Turning Point Australia
- 120** The Australian Lobby Group
- 121** The Social Policy Group

- 122** Target Pistol Australia
- 123** Mr Douglas Alcock
- 124** Executive Council of Australian Jewry
- 125** Queensland Advocacy for Inclusion (QAI)
- 126** Equality Australia
- 127** The Muslim Vote
- 128** Emeritus Professor Michael Quinlan
- 129** National Council of Churches in Australia
- 130** Shooting Industry Foundation Australia
- 131** Australian Human Rights Commission
- 132** Emeritus Professor Michael Quinlan
- 133** Jewish Centre for Law and Justice
- 134** Prof Anne Twomey
- 135** Islamic Council of Victoria (ICV)
- 136** Australian Academic Alliance Against Antisemitism Ltd
- 137** Victoria Legal Aid
- 138** The Humanism Project Hindus for Human Rights Australia and New Zealand
- 139** Archdioicese of Brisbane & THE AUSTRALIAN CATHOLIC BISHOPS CONFERENCE'S BISHOPS COMMISSION FO
- 140** SSAA Pty Ltd
- 141** Dr. Danielle Ireland-Piper
- 142** Mr Stephen Larsson
- 143** Libertarian Party Australia
- 144** LGBTIQ+ Community Groups
- 145** Inspector-General of Intelligence and Security
- 146** Sandra Wyndham

- 147** Submission by Drew
- 148** Tanya Koobasoff
- 149** Lee Wright
- 150** Raymond Thomas
- 151** Julie Dianne Falk
- 152** Queensland Council for Civil Liberties
- 153** Asylum Seeker Resource Centre
- 154** Australian National Imams Council (ANIC)
- 155** Australian Jewish Association
- 156** Melbourne Holocaust Museum
- 157** NSW Council of Churches
- 158** Civil Liberties Australia
- 159** Hindu Council of Australia
- 160** Jack Wilkie-Jans
- 161** Waqas Javed
- 162** Omar Omar
- 163** Ms Justine Kinkade
- 164** Mr James Holland
- 165** Mr Andrew McGufficke
- 166** Women Speak Tasmania
- 167** Mr Gregory Andrews
- 168** Mr Nic Gardner
- 169** Connie & Craig Harris
- 170** Lucy Hughes Turnbull AO
- 171** Just.Equal Australia
- 172** Public Health Association of Australia

- 173** National Farmers' Federation
- 174** Racial Justice Centre
- 175** Seventh-day Adventist Church
- 176** Human Rights Law Centre
- 177** Muslim Legal Network NSW
- 178** United Nations Special Rapporteur on human rights and counter-terrorism
- 179** Sample of (approx. 4000) campaign submissions received
- 180** Equality Tasmania
- 181** Australia's Special Envoy to Combat Islamophobia
- 182** Freedom For Faith
- 183** Australian Jewish Democratic Society
- 184** Victoria Legal Aid
- 185** Federation of Ethnic Communities' Councils of Australia
- 186** Zionist Federation of Australia
- 187** Property Rights Australia Inc
- 188** Zaydan Lawyers Pty Ltd



B. Witnesses appearing at public hearings

Tuesday 13 January 2026

Committee Room 1R0, Parliament House, Canberra

Department of Home Affairs

- Ms Clare Sharp, Head of Immigration
- Mr Andrew Warnes, First Assistant Secretary, Criminal Justice Division
- Ms Brooke Hartigan, Deputy Secretary Legal

Attorney-General's Department

- Ms Sarah Chidgey PSM, Deputy Secretary, Integrity and Security Group
- Ms Sara Samios, First Assistant Secretary of the Integrity and Criminal Law Division
- Mr Luke Muffett, Assistant Secretary, National Security & Criminal Law Branch

Australian Federal Police

- Commissioner Krissy Barrett
- Katherine Van Gorp, Chief Operating Officer
- Hilda Sirec, a/Deputy Commissioner National Security
- Matthew Gale, a/Assistant Commissioner Counter Terrorism and Special Investigations

Australian Security Intelligence Organisation

- Mr Mike Burgess, Director-General
- Mr Gus Gilmore, Deputy Director-General, Vetting Service Delivery

Australian Criminal Intelligence Commission

- Mrs Heather Cook, Chief Executive Officer
- Mr Adam Meyer, Acting Deputy CEO, Intelligence Group

Australian Institute of Criminology

- Dr Rick Brown, Deputy Director

Wednesday 14 January 2026

Committee Room 1R0, Parliament House, Canberra

Executive Council of Australian Jewry (by videoconference)

- Mr Peter Wertheim AM, co-Chief Executive Officer
- Ms Simone Abel, Head of Legal

Australia's Special Envoy to Combat Antisemitism (by videoconference)

- Ms Annita Stucken, Assistant Director, Legal

Australian Human Rights Commission (by videoconference)

- Mr Hugh de Kretser, President
- Dr Lorraine Finlay, Human Rights Commissioner
- Mr Giridharan Sivaraman, Race Discrimination Commissioner

Mr Michael Pezzullo, Private capacity

The Rule of Law Institute of Australia (by videoconference)

- Mr Chris Merritt, Vice President

Centre for Independent Studies (by videoconference)

- Mr Peter Kurti, Senior Research Fellow

Alannah & Madeline Foundation (by videoconference)

- Ms Sarah Davies AM, CEO
- Mr Stephen Bendle, Senior Advocacy Adviser

Gun Control Australia (by videoconference)

- Tim Quinn, President
- Roland Browne, Vice President

Equality Australia (by videoconference)

- Ms Heather Corkhill, Legal Director
- Mr Sanjay Alapakkam, Legal Policy Advisor

Cattle Australia

- Dr Chris Parker, Senior Adviser

National Farmers Federation

- Mr Chris Groves, Chair, Farming Systems Committee

Australian National Imams Council (by videoconference)

- Imam Shadi Alsuleiman, President

Australian Catholic Bishops Conference (by videoconference)

- Mr Will Redmond, Assistant Director, Public Policy

National Council of Churches in Australia (by videoconference)

- Ms Elizabeth Stone, General Secretary

Bishop Michael Stead, Private capacity (by videoconference)



C. Summary of the Exposure Draft legislation

Combatting Antisemitism, Hate and Extremism Bill 2026 – summary of measures

The Combatting Antisemitism, Hate and Extremism Bill 2026 (the Bill) is a comprehensive package of reforms to:

- further criminalise antisemitic, hateful and extremist conduct, and ensure that those who seek to spread hate face penalties which reflect the seriousness of the conduct
- introduce new powers to allow for the cancellation or refusal of visas for those who spread hate or division in Australia, or who may do so if granted an Australian visa, and
- establish the National Gun Buyback Scheme and introduce a range of firearms amendments relating to intelligence use for background checking, importing, and online material for the manufacture of firearms and explosives.

Schedule 1 – Amendments to legislation relating to criminal law

Aggravated offence for preachers and leaders (Part 1)

The Bill would introduce a new aggravated offence for religious or other leaders who advocate or threaten force or violence against groups, members of groups, their close associates, or their property, in contravention of sections 80.2A to 80.2BE of the Criminal Code. The offence applies if a person, in their capacity as a religious or other leader, advocates or threatens force or violence in the course of providing religious instruction, or religious or secular pastoral care. The aggravated offence would carry a maximum penalty of 10 years imprisonment, or up to 12 years imprisonment if the conduct would also threaten the peace, order and good government of the Commonwealth.

Religious, spiritual and other leaders in the community hold a position of authority and influence in society. This influence is exploited where leaders advocate or threaten force or violence, resulting in the increased likelihood that people they lead will be radicalised. The new aggravated offence would ensure higher penalties apply to those who are in such positions and exploit this to advance violent extremist views.

Increased penalties (Parts 1, 2, 6)

The Bill would increase penalties for offences involving advocating or threatening force or violence against protected groups, members of groups, their close associates, and their property. The maximum penalty for the base offences would increase from 5 years to 7 years imprisonment. The maximum penalty for the aggravated offences for conduct which threatens the peace, order and good government of the Commonwealth would increase from 7 to 10 years imprisonment. This change reflects the serious impacts that this conduct can have and aligns the penalties with other offences of similar severity such as advocating terrorism or genocide.

The Bill would also increase the penalty for using a postal or similar service to menace, harass or cause offence from 2 years to 5 years, to match the penalty for the equivalent offence of using a carriage service.

Aggravated sentencing factor (Part 3)

The Bill would introduce a new general sentencing principle requiring the court to consider, as an aggravating factor, whether criminal conduct was motivated by hatred for a group or a member of a group distinguished by race, or national or ethnic origin. This additional general sentencing principle is intended to ensure that criminal sentences for conduct motivated by racial hate recognise the additional harms caused to both the victim and the Australian community. By introducing this new aggravating factor, the court must have regard to hate motivation in determining the sentence to be passed, or the order to be made, in respect of any person for a federal offence.

Without limiting the means by which a hate motivation would be established, hate motivation would exist if, at the time of the conduct or immediately before or after the conduct, the person demonstrated or expressed hostility, malice or ill-will in respect of the targeted group.

Prohibited hate groups (Part 4)

The Bill would introduce a new framework for organisations which engage in or advocate hate crimes on the basis of race, or national or ethnic origin to be listed as prohibited hate groups. It would also create a range of offences for conduct relating to such groups. To be listed as a prohibited hate group, the Minister for the Australian Federal Police (AFP Minister - currently the Minister for Home Affairs) must be satisfied that the organisation:

- has engaged in, prepared, planned or assisted in a hate crime relating to race, national or ethnic origin, or
- has advocated hate crimes relating to race, national or ethnic origin.

The AFP Minister would also have to be satisfied that specifying the organisation as a prohibited hate group is reasonably necessary to prevent social, economic, psychological and physical harm to the Australian community by these organisations.

The regulations prescribing an organisation as a prohibited hate group would be made by the Governor-General. The AFP Minister would only be able to recommend that an

organisation be listed if the Director-General of Security had provided written advice recommending that the organisation be listed and the Attorney-General had provided written agreement to the proposed listing.

The Bill would create a range of offences for conduct relating to a prohibited hate group. Once an organisation is listed as a prohibited hate group, it would be a criminal offence to:

- direct the activities of the group
- be a member of the group
- recruit for the group
- provide, receive, or participate in training involving the group
- get funds to, from or for the group, and
- provide support to the group.

The maximum penalties for these offences range from 7 to 15 years imprisonment.

There are limited general defences for these offences. There are also specific defences, for example the offence of membership of a prohibited hate group contains a defence for a person who proves they took all reasonable steps to cease to be a member as soon as practicable after knowing the organisation was a prohibited hate group.

Racial vilification offence (Part 5)

Part 5 of Schedule 1 would insert Section 80.2BF to introduce a racial vilification offence. This new offence would criminalise publicly promoting or inciting hatred towards another person or group on the grounds of race, colour or national or ethnic origin, or spreading ideas of racial superiority, where that conduct would cause a reasonable targeted person to fear harassment, intimidation or violence. The offence is intended to target serious forms of antisemitic rhetoric, as well as white supremacy and other racist rhetoric. The penalty for the offence would be 5 years imprisonment. A defence is available if the conduct consists only of directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion.

This offence would be subject to a review after a period of 2 years, beginning on the day the offence commences. This would enable consideration of the effectiveness of the offences and ensure they remain fit for purpose. The report of the review would be tabled in the Parliament.

Aggravated grooming offence (Part 6)

The Bill would introduce two new aggravated offences for criminal conduct where an adult seeks to influence a person under the age of 18 toward violent or extremist conduct. These aggravated offences are intended to reflect the particular seriousness of conduct that could result in the radicalisation of children.

The Bill would create an aggravated offence where a person over 18 commits an offence of advocating that a person under the age of 18 use force or violence against groups, members of groups, and their property. A further new aggravated offence would be created where a person over 18 commits an offence of using a carriage service for violent extremist material, including by sharing violent extremist material with a person under 18.

Hate symbols (Part 7)

The Criminal Code contains offences that criminalise the public display or trade in prohibited Nazi symbols and prohibited organisation symbols. The Bill would strengthen and expand the prohibited hate symbols offences in the Criminal Code by:

- enabling the offence to be proved by showing a person was reckless as to whether the symbol they displayed was a prohibited organisation symbol, rather than requiring proof of knowledge
- expanding the definition of prohibited hate symbol to include symbols of prohibited hate organisations
- introducing a power to allow police to seize a prohibited hate symbol if it is publicly displayed
- expanding the existing power to direct a person to remove a symbol from public display to apply online
- requiring consideration be given to the effect of the display of a prohibited symbol on a reasonable person who is a member of the group targeted by the display of the prohibited symbol.

These amendments improve the operational effectiveness of the offences and reduce complexity in their enforcement and prosecution.

Schedule 2 – Migration amendments

Part 1 of Schedule 2 of the Bill would make amendments to the *Migration Act 1958* to provide additional character grounds which will enable the Minister for Home Affairs to refuse to grant or to cancel a visa on the basis of hate motivation conduct and offences relating to the spread of hatred and extremism where the Minister is appropriately satisfied of the relevant considerations for that ground.

Part 2 of Schedule 2 would also amend the *Migration Regulations 1994* to extend existing provisions that permanently exclude a person from returning to Australia where they have had a visa cancelled under s 501, so that the permanent exclusion would also apply to a person who has been refused a visa under the new provisions that would allow the Minister to refuse or cancel a visa on grounds that specifically address hate motivated conduct and conduct or offences relating to the spread of hatred and extremism.

Schedule 3 – Customs amendments

Part 1 of Schedule 3 would make amendments to Customs Regulations seek to prohibit the import or export of goods that are violent extremist material, prohibited hate symbols and goods that contain such things. These amendments also seek to remove the objectionable goods commercial quantity condition to allow for more severe penalties to be imposed where customs law have been breached.

Part 2 of Schedule 3 would make further amendments to expressly provide on the face of the legislation, the Minister's power to make instruments in respect of the prohibition on goods. This power will complement the public safety test for firearms and weapons amendments else in firearm reforms.

Schedule 4 – Firearms amendments

Schedule 4 of the Bill would make various amendments relating to the import, control, management and possession of firearms, across a variety of legislation.

National gun buyback (Part 1)

Part 1 of Schedule 4 would provide for the Government to implement a national gun buyback scheme in response to the antisemitic terrorist attack at Bondi Beach on 14 December 2025. The National Gun Buyback Scheme forms part of broader national firearms reforms to reduce the overall number of firearms in the community. The Buyback Scheme will support other aspects of national reform with states and territories, including a proposed limit on the number of firearms for individuals, reviewed licensing requirements and timeframes, and increased use of criminal intelligence in licensing processes.

It is proposed that the Buyback Scheme will be legislated and supplemented with an instrument making power for the Minister for Home Affairs to agree implementation details with jurisdictions. The instrument would prescribe the compensation schedule, timeframe, data collection requirements, role of the Australian Federal Police (AFP) in destruction, and the form in which reimbursement requests are to be made. Details of the Buy Back scheme are being settled in conjunction with State and territories and reflect other firearm amendments in the Bill.

Firearms background checks (Part 2)

Part 2 of Schedule 4 inserts several heads of power into the *AusCheck Act 2007* to enable the future establishment of a background checking scheme in relation to firearms licence applicants and holders. The subsequent background checking scheme would enable the Commonwealth intelligence to be considered as part of firearms licensing decisions by jurisdictions, through AusCheck's facilitation of:

- an Australian Security Intelligence Organisation (ASIO) security assessment

- an Australian Criminal Intelligence Commission (ACIC) criminal intelligence assessment, and
- other checks, such as a citizenship verification check, in limited circumstances.

These checks could be facilitated by state and territory's applying to the AusCheck process, through their own licensing regimes, at the time of application or renewal, or at the request of national security or law enforcement agencies (for example, ASIO or ACIC) where an existing licence holder becomes of interest to those agencies. State and territory firearms licensing authorities would continue to engage with applicants, collect applicant information to be provided to AusCheck, and make final licence decisions, based on the outcome of the background checks facilitated by AusCheck and other existing decision-making criteria.

Part 2 will also allow for the disclosure of spent, pardoned or quashed convictions in limited circumstances. This includes enabling ASIO or the ACIC to use this information in connection to the performance or purpose of their functions, as well as allowing consideration of this information by intelligence and security agencies for the purpose of assessing prospective employees.

Transmission of firearms information and other information to ACIC (Part 3)

Part 3 of Schedule 4 would amend the *Customs Act 1901* to provide for the sharing of firearms information, and other information, to the ACIC Chief Executive Officer, on the authorisation of the Secretary of Home Affairs, or the Comptroller-General of Customs. These amendments provide relevant legislative basis to support the transmission of information between relevant stakeholders to facilitate an ACIC criminal intelligence assessment. Additional amendments are included to make ASIO's security intelligence, the ACIC's criminal intelligence, and the ABF's customs-related information, available to AusCheck to support firearms license decision making.

Public safety tests for firearms and weapons (Part 4)

Part 4 of Schedule 4 would amend the Customs (Prohibited Imports) Regulations 1956 to strengthen the safeguards around firearms availability and access, which is vital to disrupting the capability of potential perpetrators and reducing the inherent risk associated with firearms in the community.

Importation of firearms (Part 5)

Part 5 of Schedule 4 would amend the Customs (Prohibited Imports) Regulations 1956 to strengthen import controls for firearms related goods by:

- removing open ended permissions to import firearms
- restricting importation and requiring Commonwealth import permission for certain firearms and accessories, like handguns and repeating straight-pull rifles and shotguns.

- capturing gel-ball blasters as ‘firearms’ for import control purposes, and
- restricting the importation of firearms to Australian citizens.

Approved forms for police certification for firearms imports (Part 6)

Part 6 of Schedule 4 would amend the Customs (Prohibited Imports) Regulations 1956 to cease the ability of importers to rely on a statement given by state and territory police to import category A and B equivalent firearms. These permissions enable the ongoing importation of firearms under the police certification test.

These reforms will require import permission for each importation and increase the visibility of numbers and types of firearms being imported under state and territory police certification.

Offences relating to use of carriage service for firearms and explosives manufacture (Part 7)

The Bill would add two new offences to the Criminal Code for conduct relating to use of a carriage service for firearms and explosives manufacture material. The offences cover material that provides instructions or facilitates the manufacture or modification of firearms, explosives and other lethal devices. These offences are intended to assist in disrupting and deterring the private illicit manufacture of firearms, explosives, and related items, through computer-aided manufacture such as 3D printing.

The two new offences cover:

- use of a carriage service to access, or facilitate the access to, firearms and explosives manufacture material, and
- intentionally possessing or controlling such material after it has been obtained or accessed using a carriage service.

The maximum penalty for both offences would be 5 years imprisonment.

The Bill would also provide for specific defences to these offences, including for licensed manufacturers and repairers of firearms and other relevant devices, for law enforcement and public officials, and for scientific, academic or historical research.

Schedule 5 – Transitional rules

Schedule 5 of the Bill would allow the Minister administering the *Australian Federal Police Act 1979* (the Home Affairs Minister), or the Minister administering the *Administrative Review Tribunal Act 2024* (the Attorney-General) to make rules prescribing transitional matters relating to amendments or repeals made by the Bill.

Source: Attorney-General’s Department, *Fact Sheet – Combatting Antisemitism, Hate and Extremism Bill 2026*, 13 January 2026, www.ag.gov.au/crime/publications/fact-sheet-combatting-antisemitism-hate-and-extremism-bill-2026 (accessed 15 January 2026).