

Information about the Draft Bill on Combatting Antisemitism, Hate and Extremism Bill 2026

The simplest way to understand the Bill is to review the categories it addresses, then briefly examine each one. The Bill addresses:

1. **Government Power to Label Groups:** This part of the Bill gives the government greater power to ban any group it determines preaches hate. *When the Bill refers to “designation”,* it means that the Minister can formally label an organisation as a prohibited hate group through an executive decision. This does not require a criminal conviction or a court finding. For example, an organisation that has operated lawfully for years, hosted public speakers, issued statements on international issues, or advocated for human rights could be designated if the Minister forms the view that some past statement or association might pose a risk.
2. **Speech, Symbols, and Statements:** This part concerns *the speech of “any” person*, what they say, the symbols they carry, and the statements they make. The government has removed the concept of “harm” here, meaning that no one must be hurt by what one says; the line is crossed if it “might” have an effect, and that decision is made by the government and law enforcement.
3. **Religious Freedoms:** This part concerns *“specific speakers” (e.g., religious leaders) engaged in* religious instruction, sermons (Khutba), classes, and mentoring. Effectively, the government can interpret any religious teaching you give as extreme and hateful, thereby making it illegal. Some will argue that there is an exemption that will protect religious persons, but this Bill does the opposite. *It makes religious speech legally risky first*, and only later allows religious leaders to try to defend themselves.
4. **Association and Guilt by Association:** This part of the Bill covers your connections and association with certain people and organisations. It allows for *consequences to flow from association, membership, or contact*, even if the person has not committed any unlawful act. Association can be reinterpreted later as risky, raising concerns about collective punishment, network-based liability, and how community relationships are treated.
5. **Migration and Visa Consequences:** This is one of the most serious practical impacts. The Bill expands powers to refuse or cancel visas based on speech, association, or perceived risk. A person does not need to be charged or convicted. The consequences include removal from Australia, exclusion, and family separation. This category explains how speech becomes tied to belonging, and why migrants and students are especially vulnerable.

6. **Criminal Law Thresholds and “Harm”:** In key parts of the Bill, actual harm, intimidation, or violence does *not* need to occur. Liability can arise even where *no one was affected*. This raises questions about whether the law is targeting real harm or *managing discomfort*.
7. **Protest, Advocacy, and Public Expression (Participation in public life):** *This section is about how people show up together in public spaces and express political or moral positions.* Although protests are not explicitly banned, the Bill **regulates** public expression, symbols, chants, banners, and online content in ways that increase legal risk. Protests, rallies, sermons, and online posts are all captured. This category helps people understand how visible dissent is discouraged or constrained, and that lawful advocacy can become risky.
8. **Online Space and Digital Permanence:** *This category is about how expression never disappears and can be reused against someone later.* It covers time, storage and replay, focusing on social media posts, videos, livestreams, recordings, online speech, screenshots and reposts. All such content can be captured, stored, and reinterpreted long after it is made. Digital amplification increases exposure without increasing harm. This matters for young people, community leaders, and anyone active online.
9. **Lack of Protection Against Islamophobia:** This is a critical omission. The Bill criminalises certain forms of hate but does *not include religion as a protected ground*. This means Islamophobia is not directly addressed, even as Muslim communities face heightened regulation. This category explains who is protected and who is policed.
10. **Evidence, Effectiveness, and Accountability:** This category asks the basic question: Will this work? The Bill does not provide metrics, baselines, or evidence showing that designation, speech restriction, or migration penalties reduce antisemitism. There is no clear way to measure success or failure. This category ties everything together by asking whether the Bill can meet its stated goals.
11. **Procedural Fairness and Due Process:** The Bill allows individuals or organisations to be designated *without prior notice, imposes sanctions without a hearing, imposes consequences before review, relies on undisclosed intelligence*, and provides review only after consequences have already occurred. This is not just about power. It is about process. Essentially, people and organisations can be punished without being told the case against them in advance.
12. **Past Conduct:** The Bill allows past statements, past associations, and historical conduct to be reinterpreted under new standards. This creates permanent insecurity. People cannot know when lawful conduct today may be judged differently tomorrow.