



## Submission to the Parliamentary Joint Committee on Intelligence and Security

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

Submitted by:

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#### 1. Executive Summary

The Australian Lobby Group (AusLobby) vehemently opposes the Combatting Antisemitism, Hate and Extremism Bill 2026 (the Bill) in its entirety. This legislation constitutes a grave and Orwellian assault on the foundational Australian freedoms of speech, association, and thought. Rushed with submissions due by 4:00 pm AEDT on Thursday, 15 January 2026, only two days after referral on 12 January 2026 by Home Affairs Minister Tony Burke MP and slated for guillotined passage in a single parliamentary day, the Bill mirrors the failed Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024, withdrawn amid widespread concerns over censorship and overreach.

The exposure draft introduces aggravated offences for "hate preachers," new vilification crimes promoting hatred or racial superiority (penalties up to 5–15 years), ministerial powers to prohibit "hate groups" (criminalising membership), and visa/firearms measures. Critically, it imposes a reverse onus burden, requiring defendants to prove innocence or disprove recklessness, destroying the presumption of innocence. Hypocritically, it exempts conduct that "consists only of directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion" (as per draft clause in Schedule 1), shielding incitement from extremist verses in Islamic, Jewish, and Christian scriptures while criminalising critics.

Prime Minister Albanese defended this carve-out by stating:

*"I don't know if you read the Old Testament, but I refer you to that,"* and

*"I encourage you to read the Old Testament and see what's there, see if you outlaw that what would occur. So we need to be careful. We consulted with faith groups, not just with the Jewish community, we want to make sure there's the broadest possible support for this legislation."*



This violates core democratic principles of open debate, procedural fairness, and the rule of law; breaches Article 19 of the International Covenant on Civil and Political Rights (ICCPR), requiring restrictions on expression to be necessary and proportionate; and offends the implied freedom of political communication under *Lange v Australian Broadcasting Corporation* [1997] HCA 25, which holds:

*"Freedom of communication on matters of government and politics is an indispensable incident of that system of representative government which the Constitution creates."*

The Bill will gag AusLobby's core policies—ending mass immigration, immediate border closures, a national population plan prioritising Australians first, and restoring social cohesion and national identity—as debate on cultural compatibility or immigration strains could be deemed "promoting racial hatred" or "reckless" vilification. As our mission states: "Our mission is simple: stand up for the Australian people, speak truth to power, and push for policies that restore stability, security, and control over our nation's direction."

And: "We believe Australia's future must be shaped by Australians, not by corporate lobbyists, foreign interests or detached bureaucrats."

We demand immediate withdrawal. Failure to do so risks High Court invalidation, international condemnation, and deepened division.

Footnotes:

1. Exposure draft of the Combatting Antisemitism, Hate and Extremism Bill 2026, Australian Government Department of Home Affairs, accessed January 14, 2026, <https://www.ag.gov.au/crime/hate-crime-offences>



## 2. Introduction and Background

The Australian Lobby Group is grassroots, people-powered movement funded by everyday Australians, with no ties to billion-dollar industries or foreign interests. Our loyalty is solely to Australia and its people. We advocate for national sovereignty, border control to protect security, culture, and identity, and policies ending mass immigration that strains housing, infrastructure, wages, and social cohesion.

Key positions of AusLobby include:

- *A complete halt to mass immigration;*
- *Immediate border closures to reset the system*
- *A national population plan that prioritises Australians first*
- *Rebuilding housing affordability and restoring community stability.*

The Bill, referred on 12 January 2026, amends the Criminal Code Act 1995 and other laws across five schedules to criminalise hateful conduct, expand visa refusals/cancellations, and establish a national firearms buyback. The inquiry description states: "The proposed 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." Schedule 1 covers criminal law on hate speech, racial hatred, radicalisation, firearms, and explosives.

This rushed process, two-day submissions and limited scrutiny, as has been a commonly used tactic of recent years breaches democratic norms.

### Footnotes:

1. Australian Lobby Group website, mission and policies, accessed January 14, 2026 <https://auslobby.com.au>
2. Parliamentary Joint Committee on Intelligence and Security, Review of the Exposure Draft Legislation: Combatting Antisemitism, Hate and Extremism Bill 2026, accessed January 14, 2026, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Intelligence\\_and\\_Security/CASHEBILL26](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Intelligence_and_Security/CASHEBILL26)

### 3. Likening to the Failed Misinformation/Disinformation Bill

The Bill bears striking and ominous similarities to the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024, which was ultimately withdrawn by the Albanese Government on 24 November 2024 due to insurmountable opposition rooted in free speech concerns, governmental overreach, and threats to democratic discourse. Just as the Misinformation Bill sought to empower the Australian Communications and Media Authority (ACMA) to compel digital platforms to remove or label content deemed "misinformation" or "disinformation" under vague and subjective criteria, this Bill empowers ministers and prosecutors to criminalise speech labelled as "hateful" or "extremist" with equally ambiguous thresholds, such as "reckless" conduct causing mere "fear" without requiring proof of intent or actual harm.

The Misinformation Bill's failure provides a cautionary precedent, demonstrating how such laws, despite noble intentions, inevitably devolve into tools for censorship. For instance, the bill was abandoned after cross-party Senate opposition united against it, with Communications Minister Michelle Rowland acknowledging that "misinformation and disinformation remained a grave concern for democracy, national [cohesion]" but conceding the legislation's unviability. Critics highlighted its potential to chill legitimate debate, particularly on political matters, by imposing transparency requirements and codes that could penalise platforms for hosting dissenting views. The Australian Christian Lobby and other groups decried it as a threat to religious freedoms and open expression, fearing it would target conservative opinions on social issues.

Justifications for this likeness are manifold. Both bills exploit public anxieties, the Misinformation Bill rode waves of concern over online falsehoods post-COVID and elections, while this Bill capitalises on the Bondi terrorist attack to justify sweeping speech controls. Yet, as with the Misinformation Bill, which excluded mainstream media from scrutiny despite their role in disseminating contested narratives (e.g., on Gaza conflicts), this Bill hypocritically carves out protections for religious speech, potentially shielding extremist preaching while targeting secular critics. The Misinformation Bill's withdrawal followed expert warnings that it would foster a "surveillance state" through platform monitoring, a risk amplified here by criminal penalties up to 15 years and reverse onus provisions that presume guilt.

Furthermore, public and parliamentary backlash against the Misinformation Bill described as "dangerous" and "limping away" after Senate rejection stemmed from fears it violated the implied freedom of political communication, a concern equally applicable here. The government's own admission that it would not revive the bill post-election underscores its political toxicity. If proceeded with, this Bill risks a similar fate: ignominious abandonment amid outcry, but only after inflicting lasting damage on trust in institutions. We justify this comparison by noting that both represent a pattern of Labor Government overreach, using "harm" pretexts to expand state power over expression, ultimately undermining the very social cohesion they purport to protect. History teaches that such laws breed resentment, not resolution, as suppressed voices fester underground.

#### Footnotes:

1. Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024, withdrawal announcement, Australian Government, November 24, 2024.
2. Senate debates and opposition statements on Misinformation Bill, Parliament of Australia records.
3. Australian Christian Lobby submissions on Misinformation Bill.



#### 4. Violations of Australian Democratic Principles

The Bill egregiously violates bedrock Australian democratic principles, including open and robust debate, procedural fairness, the rule of law, and the presumption of innocence, transforming peacetime governance into an authoritarian framework reminiscent of emergency measures. At its core, democracy in Australia relies on the free exchange of ideas to inform electoral choices and hold power accountable, yet this Bill's vague vilification offences criminalising speech that "promotes racial hatred" or causes "fear" recklessly stifle precisely that discourse, particularly on contentious issues like immigration and multiculturalism.

Justifications abound from legal and scholarly analyses. For example, hate speech regulations must adhere to proportionality, but provisions here imposing up to 15 years' imprisonment for advocacy inciting hostility (not violence) breach this, as they may punish expressions that merely offend rather than harm. This offends the sentencing principle of proportionality embedded in Australian common law, risking arbitrary enforcement that erodes public trust in justice.

Rushed Bills through parliament with two days for submissions and a one-day guillotine contravenes procedural fairness, denying meaningful consultation and expert scrutiny essential to deliberative democracy. As UN monitoring bodies have questioned Australia's compliance with hate speech mandates in conventions, this haste exacerbates non-compliance by bypassing debate. Furthermore, prohibiting "hate groups" via ministerial fiat threatens freedom of association, a pillar of democracy allowing citizens to organise for political change; such powers could label advocacy groups like AusLobby as "extremist" for opposing mass immigration, silencing dissent.

The reverse onus burden, forcing defendants to prove innocence, demolishes the presumption of innocence, a "cornerstone of Australian justice" under common law turning trials into inquisitions where the state presumes guilt. This inverts the rule of law, empowering prosecutors to target political opponents, as seen in international critiques of similar laws increasing punishments from two to five years for "promoting hatred." We justify vehement opposition by asserting that these violations foster a chilling effect, where citizens self-censor to avoid ruinous legal battles, ultimately weakening democracy's vitality. History shows that when governments police thought under "safety" guises, they protect elites, not the populace, leading to societal division rather than unity. The Law Council of Australia echoes this, stressing a "delicate balance" between expression and protection from hate, which this Bill shatters.

#### Footnotes:

1. Australian common law principles on proportionality in sentencing, High Court precedents.
2. UN Human Rights Committee reports on Australia's hate speech compliance.
3. Law Council of Australia statements on hate speech legislation balance.



## 5. Breaches of International Conventions

The Bill flagrantly breaches Australia's obligations under international human rights conventions, particularly Article 19 of the ICCPR, which enshrines freedom of expression as fundamental, permitting restrictions only if necessary, proportionate, and provided by law. Ratified by Australia in 1980, Article 19 states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds." Yet, the Bill's broad vilification offences and group prohibitions fail the three-part test: they are not precisely "provided by law" due to vagueness, pursue legitimate aims questionably (as religious exemptions undermine anti-hate goals), and are disproportionate with severe penalties for non-violent speech.

Justifications stem from expert analyses: hate speech prohibitions must target only incitement to discrimination, hostility, or violence, not mere advocacy of hatred. The Bill's "reckless" standard criminalises expressions without direct incitement, breaching this by allowing restrictions on opinions that offend but do not harm. Article 20 of the ICCPR mandates prohibiting advocacy constituting incitement, but requires high thresholds; this Bill lowers them, risking abuse as noted in UN reports.

The reverse onus violates Article 14's fair trial rights, presuming guilt and shifting burdens unlawfully. International critiques, such as OHCHR guidance, warn that vague hate speech laws enable state overreach, fostering environments where minorities' rights are curtailed under protection pretexts. We justify opposition by highlighting Australia's inconsistent compliance: UN bodies frequently query hate speech laws' alignment, and this Bill exacerbates issues by protecting religious incitement while targeting critics, contrary to non-discrimination principles. Such breaches invite international condemnation, damaging Australia's reputation as a rights-respecting democracy.

### Footnotes:

1. International Covenant on Civil and Political Rights, Article 19, United Nations, 1966.
2. UN Human Rights Committee General Comment No. 34 on Article 19.
3. Office of the High Commissioner for Human Rights guidance on hate speech.



## 6. Constitutional Offensiveness

Constitutionally, the Bill is offensive and likely invalid, burdening the implied freedom of political communication recognised in *Lange v Australian Broadcasting Corporation* [1997] HCA 25, where the High Court unanimously held: "Freedom of communication on matters of government and politics is an indispensable incident of that system of representative government which the Constitution creates." This freedom, derived from sections 7, 24, 64, and 128 of the Constitution, ensures informed electoral choices; the Bill's offences impermissibly restrict discourse on public policies like immigration and religious integration.

Justifications arise from the *Lange* test: restrictions must be compatible with representative democracy and proportionate. The vilification provisions fail, as they could criminalise critiques of government multiculturalism as "promoting racial superiority," chilling political speech. In *Lange*, the Court struck down defamation laws burdening political discussion; here, criminal penalties amplify that burden. Subsequent cases like *Coleman v Power* [2004] HCA 39 reinforce proportionality, which the reverse onus defies by inverting evidentiary burdens.

The High Court in *Levy v Victoria* [1997] HCA 31 invalidated laws restricting protest, analogous to group prohibitions here. We justify by asserting the Bill's overbreadth invites challenge: as in *Lange*, where defamation defences were expanded to protect political expression, this legislation contracts it, offending the Constitution's democratic essence. Without express free speech rights, the implied freedom is Australia's bulwark; violating it undermines sovereignty.

### Footnotes:

1. *Lange v Australian Broadcasting Corporation* [1997] HCA 25, High Court of Australia.
2. *Coleman v Power* [2004] HCA 39, High Court of Australia.
3. *Levy v Victoria* [1997] HCA 31, High Court of Australia.



## 7. Protection of Incitement from Extremist Religious Texts While Targeting Objectors

The Bill's religious defence is a hypocritical outrage, shielding incitement from extremist verses in the Quran, Bible, and Torah while criminalising those who object, creating a two-tiered system that fosters extremism. The exemption for "directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion" protects passages often cited in hate speech debates, such as Quran 9:5 ("kill the polytheists wherever you find them"), used by extremists to justify violence against non-believers. Similarly, Deuteronomy 20:16-18 in the Torah commands conquest and destruction of peoples, and Psalm 137:9 in the Bible celebrates infanticide ("Happy is the one who seizes your infants and dashes them against the rocks"), verses invoked by radicals to legitimise hatred.

Justifications highlight how extremists exploit these: ISIS cites Medinan surahs like Quran 9:29 ("fight non-Muslims") for attacks, while critics decrying such as "inciting hatred" risk prosecution. Biblical verses like Leviticus 20:13 condemning homosexuality have fuelled anti-LGBTQ hate, yet quoting them in teaching is shielded, but objecting could be vilification. This double standard, as Albanese's Old Testament reference admits, consults faith groups but ignores secular voices, enabling "extremist propaganda" that twists scripture for violence. We justify opposition by noting studies show violence-legitimising verses increase support for lethal acts when cited by extremists, yet the Bill protects dissemination while gagging analysis, breeding unchecked radicalism. This offends equality before the law, privileging religious hate over secular critique.

### Footnotes:

1. Quran 9:5 and 9:29, Islamic holy text.
2. Deuteronomy 20:16-18 and Leviticus 20:13, Torah/Old Testament.
3. Psalm 137:9, Bible.
4. Studies on religious extremism and scripture, various academic sources on radicalisation.



## 8. Gagging Sensible Debate on AusLobby Policies

The Bill will ruthlessly gag sensible, evidence-based debate on AusLobby's policies, criminalising discussions essential for addressing Australia's crises in housing, wages, infrastructure, and social cohesion caused by unchecked mass immigration. Our calls for "a complete halt to mass immigration," "immediate border closures," and "a national population plan that prioritises Australians first" could be misconstrued as "promoting racial hatred" if deemed "reckless," stifling advocacy for cultural compatibility and sovereignty.

Justifications are rooted in the Bill's chilling effect: debating immigration's strains on communities risks vilification charges, while religious texts inciting division remain protected, undermining the government's cohesion goals. As extremists use scriptures for "holy war" ideologies, critiquing them becomes taboo, preventing AusLobby from highlighting incompatibilities with Australian values. We justify by asserting this silences grassroots movements, allowing foreign influences to dominate policy, contrary to our mission of Australian-led futures.

### Footnotes:

1. Australian Lobby Group policies on immigration and sovereignty <https://auslobby.com.au>
2. Academic analyses on immigration impacts on social cohesion.

## 9. Detailed Analysis and Recommendations

This section provides a provision-by-provision analysis of the Bill's key elements, drawing on the exposure draft's schedules and announced reforms. The Bill is structured across five schedules, each introducing measures that collectively represent an overreach, with flaws in vagueness, disproportionality, and hypocrisy.

We recommend full withdrawal or substantial minimum amendments to safeguard freedoms.

**Schedule 1: Criminal Law Amendments** This schedule creates aggravated offences for "hate preachers" and leaders seeking to radicalise children, increasing penalties for existing hate crimes under Division 80 of the Criminal Code Act 1995. It introduces a new offence for publicly promoting or inciting hatred, or disseminating ideas of racial superiority, with penalties potentially up to 15 years. The recklessness standard criminalising conduct causing "fear" without intent enables abuse, as prosecutors could interpret political critiques (e.g., AusLobby's immigration concerns) as "promoting hatred." This vagueness chills speech, breaching proportionality. Additionally, the reverse onus requires defendants to prove lack of recklessness or legitimate purpose, inverting justice and risking wrongful convictions. The religious exemption, exempting quotes from texts for teaching, fosters hypocrisy by protecting potentially incendiary religious rhetoric while exposing secular objectors to liability.

**Recommendation:** Remove recklessness thresholds, reverse onus, and exemptions; revert to intent-based standards to align with common law.

**Schedule 2: Migration Law Amendments** Amending the Migration Act 1958, this expands the Minister for Home Affairs' powers to cancel or refuse visas for individuals "spreading hatred." This broad discretion could target critics of government policies, such as those debating cultural integration, under subjective "hatred" definitions. Without clear safeguards, it risks politicised enforcement, violating procedural fairness and non-discrimination principles. Justification: Visa measures should require proven incitement to violence, not vague hatred, to prevent abuse against dissenting voices.

**Recommendation:** Narrow criteria to require judicial oversight and evidence of actual harm.

**Schedule 3: Customs Amendments** This schedule expands prohibited hate symbols offences, potentially banning imports or displays associated with "hate." While aimed at symbols like Nazi emblems, vagueness could encompass cultural or political icons misinterpreted as hateful, impacting freedom of expression. The lack of exemptions for educational or artistic use exacerbates overreach.

**Recommendation:** Define symbols explicitly and include defences for non-hateful contexts.

**Schedule 4: Firearms-Related Legislation Amendments** Establishing a National Gun Buyback Scheme and amendments for intelligence use in background checks, importing restrictions, and prohibiting online material for manufacturing firearms/explosives. Linked to "extremism," this could disproportionately affect law-abiding citizens while failing to address root causes. The buyback, while safety-oriented, ties to hate crimes without evidence linking gun ownership to speech offences, representing mission creep.



**Recommendations:** Decouple firearms measures from speech crimes; focus on targeted enforcement without broad surveillance. Regardless of whether decoupled or not, AusLobby states just three modifications are reasonable and required:

- a) Require all firearms licensee requests to include a Federal Police Check
- b) A full prohibition on Australian licencing to non-citizens.
- c) Require that foreign licence holders are sponsored by an Australian firearms licence holder with a specific term for that authority in Australia of 30 days before renewal. This will allow for specific requirements for dispensation, such as competition sports to continue without inhibition and should be managed via the proposed national firearms licence register.

**Schedule 5: Transitional Rules** These provide implementation timelines but fail to mitigate the Bill's core flaws, such as the rushed parliamentary process. Overall, the Bill mocks democracy through its haste two-day submissions and single-day debate bypassing scrutiny.

**Broader Recommendations: Immediate full withdrawal to prevent constitutional challenges.**

In the alternative, repeal exemptions, reverse onus, and vague offences. Instead rely on existing proportionate laws like section 18C of the Racial Discrimination Act.

AusLobby commits to further engagement, including legal action if needed. Politicians supporting this unamended Bill fail their duty to Australians, prioritising control over liberty and freedoms that define what it means to be Australians.

Faithfully,

Scott Challen  
Executive Director  
The Australian Lobby Group

Footnotes:

1. Exposure draft schedules summary, Department of Home Affairs announcement, January 12, 2026.
2. Criminal Code Act 1995, Division 80, existing hate crime provisions.
3. Analyses on reverse onus impacts, Law Council of Australia reports.