

AIJAC Submission to the Parliamentary Joint Committee on Intelligence and Security regarding the *Combatting Antisemitism, Hate and Extremism Bill 2026*

The Australia/Israel & Jewish Affairs Council (AIJAC) is the premier independent public affairs organisation for the Australian Jewish community. We appreciate the opportunity to lodge a submission in response to the review by the Parliamentary Joint Committee on Intelligence and Security of the *Combatting Antisemitism, Hate and Extremism Bill 2026*.

AIJAC supports the intent and general thrust of this bill, which seeks to address multiple intersecting policy areas – from weapons to migration to racial vilification and incitement – related to social cohesion, security and antisemitism, while protecting religious freedoms.

In particular, AIJAC welcomes the creation of the additional aggravated offence for religious officials or spiritual or other leaders engaging in hate speech or incitement and a separate aggravated offence involving those under 18; the creation of a hate group framework under which to ban radical ideological groups that incite group hatred or violence; strengthening laws relating to the display of hate symbols, including new laws allowing police to seize them (80.2N)¹; the increased penalty for using a postal or similar service to menace, harass or cause offence; and especially the creation of an offence of serious racial vilification.²

We note that the bill has already resulted in the neo-Nazi National Socialist Network and its affiliated front groups disbanding to avoid potential arrests and penalties.³ AIJAC hopes more groups, including the local branches of radical Islamist organisations such as Hizb ut-Tahrir – which is listed in the UK as a terrorist organisation⁴ – and Ahl As-Sunnah wal-Jama’ah (ASWJ),⁵ will also be designated under the new hate group framework, with the consequent penalties imposed on members, supporters and funders.

The al-Madinah Dawah Centre of radical cleric Wissam Haddad (also known as Abu Ousayd) – which was allegedly attended by one of the Bondi terrorists and has hosted numerous sermons by radical preachers, including by Haddad himself, and which

¹ pp. 41-42

² AIJAC has long called for amending the Criminal Code to include an offence for Racial Vilification. See “AIJAC Submission to the Senate Legal and Constitutional Affairs Legislation Committee’s Inquiry regarding the *Criminal Code Amendment (Hate Crimes) Bill 2024*”, <https://www.apf.gov.au/DocumentStore.ashx?id=2502cb5c-f2be-4a75-9456-045cb3079029&subId=769101>.

³ Emily Baker, “Neo-Nazi group National Socialist Network says it will disband due to proposed hate speech laws”, ABC, Jan. 13, 2026, <https://www.abc.net.au/news/2026-01-13/neo-nazi-group-national-socialist-network-to-disband/106225638>.

⁴ “Hizb ut-Tahrir proscribed as terrorist organisation”, <https://www.gov.uk/government/news/hizb-ut-tahrir-proscribed-as-terrorist-organisation>.

⁵ Ran Porat, “Jihad in the Suburbs redux”, *Australia/Israel Review*, March 29, 2018, <https://aijac.org.au/australia-israel-review/jihad-in-the-suburbs-redux/>.

would likely be covered under this bill – was recently forced to close down.⁶ The network of preachers and students, however, remains intact, and when it inevitably resurfaces in a new form, we believe this bill would make it much harder for Haddad and his acolytes to be able to conduct themselves as before.

Moreover, the bill would deter or heavily penalise the display of terrorist symbols and banners at rallies – a consistent problem over the past 27 months since the October 7 attacks in Israel.

We also welcome the reform of immigration laws to provide greater power to exclude those who spread racial hatred or support organisations which do so.

While the prospective bill’s intent and thrust is welcome and contains a series of important reforms that AIJAC views as overdue, there are still some worrying potential loopholes in the legislation that AIJAC hopes the Government can address prior to its passage into law, or possibly, less satisfactorily, through future amendments following any review of the law’s effectiveness . Therefore:

- AIJAC recommends a recklessness clause be added to section 80.2BF (Publicly promoting or inciting racial hatred etc.).⁷
- AIJAC recommends that the Government further limit the exemption for religious texts in 80.2BF (4).
- AIJAC recommends that a primary source of anti-Jewish rhetoric, activity and vilification - antizionism - be better addressed in the bill, including by directly addressing the use of transparent euphemisms to provide a cover for vilifying or inciting against a group.
- AIJAC recommends the Government refine the bill’s language to ensure there is no loophole enabling the vilification of Jews as a religion, not an ethnic group, to be permitted as a defence.
- AIJAC recommends separating the parts of the bill dealing with firearms regulation and immigration reforms - which we support - into separate bills to ensure that disagreements over the provisions relating to guns or migration do not prevent the passage of new hate speech laws with the largest possible majority and national consensus.
- Given our reservations about some aspects of the bill and the importance of getting the language of this historic legislation correct, AIJAC would support a short delay in its passage for further review, consultation and refinement. A possible additional advantage of such a delay would be to provide an opportunity to maximise the national political consensus in favour of new legislation to address racial hatred and vilification – which AIJAC views as also highly desirable.

⁶ Mostafa Rachwani, “Sydney prayer hall linked to radical preacher closes permanently”, *Sydney Morning Herald*, Jan. 14, 2026, <https://www.smh.com.au/national/nsw/sydney-prayer-hall-linked-to-radical-preacher-closes-permanently-20260114-p5ntvn.html>.

⁷ pp. 26-28.

Strengthening 80.2BF and 80.2BF(4)

AIJAC's experience with respect to past court cases involving racial hatred laws has shown clearly that proving the intent of the alleged perpetrators is notoriously difficult, including in the context of religious sermons.

AIJAC therefore recommends that language be added that would make it clear that "conduct [that] would in all the circumstances, cause a reasonable person who is the target, or a member of the target group, to be intimidated, to fear harassment or violence, or to fear for their safety" contravenes the Act if done either "deliberately or recklessly". This would obviate any defence based on ignorance or lack of intent to vilify.

In addition, any defence based on the claim that religious sermons are only referring to Jews as a religion, rather than a racial or ethnic group – as they have been established to be under Australian law⁸ – should be explicitly rejected under the proposed bill, perhaps through the addition of an explanatory note.

80.2BF(4) – Religious text exemption

Although AIJAC accepts that the religious freedom protection entailed in 80.2BF(4) of the bill is potentially sensible, we are concerned the defence of "conduct that consists only of directly quoting from, or otherwise referencing, a religious text for the purpose of religious teaching or discussion" is almost certainly too broad unless further strong qualifications or guardrails are added.

For example, a religious leader could directly and approvingly quote the following Hadith, which also appears in Hamas' founding Charter,⁹ without overt politicisation:

"[The Day of Judgement will not come] until you fight the Jews, and the Jew will hide behind a stone or a tree, and the stone or the tree will say: O Muslim, O servant of God, this is a Jew behind me—come and kill him."

AIJAC expects some of the religious leaders who have made antisemitic claims in sermons and other forums in the past could seek to exploit this clause as a loophole to continue to do so - for instance, by quoting a string of similar antisemitic religious texts and claiming to be only seeking to teach them. We believe the law could be strengthened through more limiting wording, such as insisting the relevant religious teaching or discussion be done in "good faith" and not show a pattern of targeting a group based on "race, colour or national or ethnic origin."

⁸ *Wertheim v Haddad*, 164,

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2025/2025fca0720>.

⁹ Sahih al-Bukhari 2926,

<https://sunnah.com/bukhari:2926#:~:text=Narrated%20Abu%20Huraira:.me%2C%20so%20kill%20him.%22>; Hamas, "The Covenant of the Islamic Resistance Movement", Aug. 18, 1988, Article Seven, https://avalon.law.yale.edu/21st_century/hamas.asp.

Antizionism

In recent years, one of the primary threats to social cohesion and the Jewish community is not classical antisemitism based on race or anti-Jewish sentiment and conduct based on religion, but “antizionism”. This is a movement and ideology completely divorced from criticism of Israeli policies and actions, justified or not.

The overwhelming majority of contemporary harassment, intimidation and vilification experienced by Jewish Australians is articulated through antizionist language and euphemisms rather than overt racial slurs. The law’s failure to recognise this reality has created a gap between legal protection and lived experience, leaving a primary source of harm unaddressed.

A central weakness of Australia’s current racial vilification framework, which would persist under the proposed reforms, is the existence of a well-established legal loophole permitting anti-Jewish vilification to escape scrutiny; namely, any phrase that would be considered antisemitic *prima facie* becomes unregulated political discourse whenever the euphemism “Zionist” is substituted for the word “Jew”. Courts have repeatedly interpreted this language as directed at a political belief - and therefore not a breach of the law - even when it is obvious that classical antisemitic tropes are being employed that have nothing to do with any aspect of Zionism as a political ideology.

For example, in *Wertheim v Haddad*,¹⁰ Justice Stewart asserted regarding some quotes by Wissam Haddad:

*The ordinary, reasonable listener would understand that not all Jews are Zionists or support the actions of Israel in Gaza and that disparagement of Zionism constitutes disparagement of a philosophy or ideology and not a race or ethnic group. Needless to say, political criticism of Israel, however inflammatory or adversarial, is not by its nature criticism of Jews in general or based on Jewish racial or ethnic identity.*¹¹

AIJAC notes that since the Holocaust, antizionism has been one of the primary sources of oppression and danger for Jews globally. For instance, in the former Warsaw Pact,¹² antisemitism was officially illegal, but “antizionism” was used to justify mass persecution of Jews. To give one instance, during the Polish government’s “anti-Zionist” campaign of 1967-68, the Interior Ministry maintained a list of all the country’s Jews, “Zionist” or not, and used this to fire all of them from all public service jobs, including teaching. They were then pressured to emigrate. As a result, the majority of Poland’s then-remaining Jewish community, up to 25,000 people, fled the country over the next two years.¹³

¹⁰ <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2025/2025fca0720>.

¹¹ *ibid*, 107.

¹² See, for example, Stola, D. (2013). Anti-Zionism as a multipurpose policy instrument: The anti-Zionist campaign in Poland, 1967–1968. In *Anti-Semitism and Anti-Zionism in Historical Perspective* (pp. 159-185). Routledge.

¹³ *The YIVO Encyclopedia of Jews in Eastern Europe: Poland since 1939* by David Engel
<https://encyclopedia.yivo.org/article/18>

Similarly, it was ostensibly “antizionism” that was responsible for the expulsion of nearly a million Jews from the Middle East and North Africa, along with riots and murders that targeted them in that region, in the period between 1947 and the final elimination of the Libyan Jewish community in 1970.¹⁴

Nearly all terrorist attacks against diaspora Jewry since the 1960s find their source in the use of ostensibly antizionist language rather than racial antisemitism. Even the Bondi terrorists claimed they were targeting “Zionists” as their justification for their attack on diaspora Jews at an event completely unrelated to Israel.¹⁵ And shockingly, some in Australia said they had no sympathy for the Jewish victims as a result.¹⁶

Other incidents in Australia with clearly antisemitic effects, such as the doxxing of 600 Jewish creatives, leading to many of them losing work essential to their livelihood or being subjected to extensive harassment, were justified on the grounds that the individuals in question were all “Zionists”. While this doxxing would not have been justified even if they all had been avowed Zionists, the fact is that the perpetrators of it did not have or need any such evidence before targeting all of these 600 Jewish individuals – demonstrating how antizionism in Australia leads to efforts to seek to harm Jews as such.

The link between “antizionism” and the targeting of Jews has also been recognised by counter-terrorism experts, such as the UK’s independent reviewer of terrorism legislation Jonathan Hall KC. He recently told an interviewer that:

*Hatred expressed to Zionists invites hostility to every Israeli and to Jews worldwide. Contrary to all good practice, Zionist is a term that invites stigma and othering... Those who use this term resort to technicalities, look: ‘There are some Jews who are not Zionists’ and overlook the rest. The silence... about the risks of stigmatising Israelis and Jews is deafening.*¹⁷

Hall also cited “the persistent invocation of the red triangle, the symbol used in Hamas propaganda to show physical targeting of Israelis in the combat zone” and chants like “Death to the IDF”, or the call to “Globalise the Intifada” as examples of how protest marches ostensibly about Gaza, but led and dominated by antizionist activists, provoke

¹⁴ See “The Final Exodus of the Libyan Jews in 1967,” Maurice Roumani, *Jewish Political Studies Review* 19:3-4 (Fall 2007) - <https://www.policyarchive.org/download/18186>

¹⁵ Kimberley Braddish, “Bondi Beach shooting fact sheet: What police say happened in Naveed and Sajid Akram’s alleged rampage”, *The Nightly*, Dec, 22, 2025, <https://thenightly.com.au/australia/bondi-beach-shooting-fact-sheet-what-police-say-happened-in-naveed-and-sajid-akrams-alleged-rampage-c-21083729>.

¹⁶ “Australian Children’s Author Defends Bondi Beach Hanukkah Massacre, Justifies Murder of Rabbi”, *Combat Antisemitism Movement*, Jan. 4, 2026 - <https://combatantisemitism.org/cam-news/australian-childrens-author-defends-bondi-beach-hanukkah-massacre-justifies-murder-of-rabbi/>

¹⁷ “Bondi shooting: UK terror watchdog links Gaza protests to beach massacre”, *The Nightly*, Jan. 14, 2025 - <https://thenightly.com.au/politics/world/bondi-shooting-uk-terror-watchdog-links-gaza-protests-to-beach-massacre--c-21302191>

hatred and violence against Jews. And he explicitly postulated a plausible link between such incitement and the Bondi attack.¹⁸

Overall, strong leadership is needed to destigmatise the concept of Zionism in the public sphere, including public statements by the Government clarifying that “Zionism” is simply supporting the right of Israel to exist, and that all recent Australian governments have thus been “Zionist”.

In terms of this bill, it needs to be strengthened to include language making it clear that the use of obvious euphemisms to cause a group or member of a group “to be intimidated, to fear harassment or violence, or to fear for their safety” without naming that group specifically – yet clearly targeting them – is also covered by the law. Ideally, this clause should be accompanied by an explanatory note offering up a specific example of someone invoking “Zionists” or “Zionism” as clear euphemisms to target Jews, just as 80.2BF has an example with respect to antisemitism in the explanatory note.

A good example could be based on something like the Hamas Charter which says “Zionists” were:

“Behind the French Revolution, the Communist revolution and most of the revolutions we heard and hear about, here and there. With their money they formed secret societies, such as Freemasons, Rotary Clubs, the Lions and others in different parts of the world for the purpose of sabotaging societies.”¹⁹

Conclusion

Despite reservations over some provisions, AIJAC believes this is, overall, a commendable bill that will go a considerable way towards addressing severe threats to social cohesion, including hate groups and religious leaders who have hitherto circumvented incitement and vilification laws. In particular, AIJAC strongly supports the criminalisation of severe racial vilification, which it has long advocated be adopted.

However, notwithstanding the bill’s strengths, AIJAC also argues that elements of it should be improved. To recapitulate our recommendations:

- AIJAC recommends a recklessness clause be added to section 80.2BF (Publicly promoting or inciting racial hatred etc.).²⁰
- AIJAC recommends that the Government place strong guardrails on the religious exemption in 80.2BF (4).
- AIJAC recommends the primary source of anti-Jewish rhetoric, activity and vilification, antizionism, be addressed in the bill, in including by directly addressing the use of transparent euphemisms to provide cover for vilifying or inciting against a group.

¹⁸ Ibid.

¹⁹ “ Hamas Covenant 1988: The Covenant of the Islamic Resistance Movement”- https://avalon.law.yale.edu/21st_century/hamas.asp

²⁰ pp. 26-28.

- AIJAC recommends the Government ensure that there is no loophole enabling the vilification of Jews as a religion as a defence.
- AIJAC recommends separating the current bill into multiple bills to ensure that disagreements over the provisions relating to guns or migration do not prevent the largest possible consensus in support of the passage of new hate speech laws.

Given the above, AIJAC would support a short delay in its passage for further review, consultation and refinement, and also to provide an opportunity to hopefully maximise the national political consensus in favour of new legislation to address racial hatred and vilification.

Yet even if the bill is passed in its current form, “laws are no more than words on paper without the political will to enforce them,” as AIJAC asserted in a previous submission.²¹

The true test of this bill’s effectiveness will be whether the Government, our security services, law enforcement and the organs of our criminal justice system, are willing to enforce its provisions despite the political backlash they will inevitably face from important constituencies, among whom this bill will likely be unpopular. We hope that the national re-think of past policies and practices after Bondi, of which this bill is clearly a part, will lead to the necessary commitment by our leaders to make this bill’s provisions a genuine success - not only helping to transform the situation of the Jewish community, but also to renew and strengthen Australian society as a model of harmonious, diverse, tolerant and multicultural liberal democracy.

²¹ AIJAC Submission to the Senate Legal and Constitutional Affairs Legislation Committee’s Inquiry regarding the *Criminal Code Amendment (Hate Crimes) Bill 2024*, <https://www.aph.gov.au/DocumentStore.ashx?id=2502cb5c-f2be-4a75-9456-045cb3079029&subId=769101>.