

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

The Combating 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.