

Australia: Bipartisan deal exploits Bondi shootings to impose expanded “hate crime” laws

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After days of crisis within the political establishment, the Albanese Labor government formed a partnership with the right-wing Liberal Party to push far-reaching “hate crime” laws through both houses of parliament in just over 12 hours yesterday.

First and foremost, the legislation allows for the outlawing of political groups and imprisonment of their supporters on the false basis that opposition to the ongoing Gaza genocide constitutes antisemitic hatred of Jews.

Interviewed on the Australian Broadcasting Corporation’s “7.30” program last night, Attorney-General Michelle Rowland made that clear. She confirmed that a group could be prohibited if it accused Israel of genocide and said Israel should not exist, and as a result Jewish Australians felt harassed or intimidated.

That amounts to a ban on opposing the racist Zionist state of Israel itself.

This is a further bipartisan attack on dissent and basic democratic rights, conducted on the pretext of responding to the Islamic State (IS)-inspired mass shootings that killed 15 people at a Jewish religious event at Sydney’s Bondi Beach on December 14.

By conflating the reactionary terrorist attack with the widespread anti-genocide sentiment in Australia and globally, the legislation seeks to intimidate and suppress expressions of opposition to the ongoing mass killing of Palestinians being committed by the US-backed Israeli regime and the Australian government’s complicity in the genocide.

The Combatting Antisemitism, Hate and Extremism (Criminal and migration laws) Bill goes beyond the barrage of already sweeping “hate speech” legislation similarly rushed through the federal and New South Wales state parliaments last February by Labor governments in collaboration with the Liberal-National Coalition after a wave of dubious antisemitic events.

Those laws criminalised “inciting racial hatred” or “advocating” or threatening force or violence against anyone based on race or religion.

Under the latest bill, political parties or groups can be outlawed on even flimsier grounds. These go beyond

“promoting” or praising any of these legislated “hate crimes.” The definition of a “hate crime” is extended outside the existing federal and state laws to any conduct or threats that a supposed “reasonable” person from any group alleges creates a risk to their “health or safety” based on their “racial, ethnic or national” origin.

The bill gives the minister in charge of the Australian Federal Police (AFP) the arbitrary executive power to declare any organisation a “prohibited hate group.” The minister only has to be “satisfied on reasonable grounds” that the group has engaged in, assisted or plans to engage in or advocate a “hate crime,” even if no hate crime actually occurs. The words “plans to” amount to the creation of a thought crime.

Once a party or group is outlawed, anyone convicted of recruiting, training, donating or “materially supporting” the organisation faces up to 15 years’ imprisonment, or 10 years if they are even “reckless” as to knowing the risk they are doing so. Any member, formal or “informal,” or anyone who has sought membership of the party or group, can be jailed for seven years.

To prohibit a group, no conviction of any crime is required, nor does the minister need to observe any of the basic requirements of procedural fairness. That is, no hearing or even notice is needed, let alone an opportunity for a group or party to respond before being suddenly banned.

These provisions also apply retrospectively to conduct or threats made before the legislation commences. That means the bill specifically provides for banning groups for alleged actions or statements dating back to the commencement of the Zionist genocide in October 2023, or even earlier.

The AFP minister is supposed to act on the advice of the Australian Intelligence Security Organisation (ASIO) director-general, who only has to assert that a risk exists that a group “may advocate for or engage in politically motivated violence, or engage in the promotion of communal violence, in the future.”

Under the ASIO Act, these terms also have sweeping political definitions. “Politically motivated violence” extends to acts or threats of “unlawful harm” that are intended or likely to

achieve a political objective. “Promotion of communal violence” covers activities that are directed to “promoting” violence between different groups of people “so as to endanger the peace, order or good government” of the country, that is, the existing political setup.

The latest bill also criminalises displaying “hate symbols” showing support for a banned group, even if a person does not know the group has been proscribed. That creates the conditions for mass arrests, like those conducted by the Starmer Labour government in the UK of people holding up signs opposing the outlawing of protest group Palestine Action.

The bill further permits mass deportations or denials of visas to non-citizens whom the Home Affairs Minister merely “reasonably suspects” has, or has had, an undefined “association” with a “prohibited hate group” or has made or endorsed statements that involve ideas of superiority or hatred. That specifically includes “antisemitic statements.” This power is in addition to the existing reactionary provisions in the Migration Act whereby the minister can refuse or revoke a visa on the claim that a person might “incite discord” in Australia.

As the result of a last-minute deal struck between Prime Minister Anthony Albanese and Liberal-National Coalition leader Sussan Ley on Monday morning, the bill still contains all these key features of Labor’s original larger bill, which the government was forced to withdraw last Saturday, facing defeat in the Senate, where it lacks a majority.

Far-right elements within the Coalition, most prominently in the rural-based Nationals, either opposed or abstained on the bill. While posturing as defenders of free speech, they were motivated by concerns that the laws could be invoked against promoting hatred toward Palestinians, Muslims, immigrants or indigenous people, whether by the Nationals themselves or parts of their right-wing base.

To satisfy those concerns and get the laws through a special recalled session of parliament in just two days, the government split its original bill on Saturday. It dumped, for now, further expanded “racial vilification” offences, and placed gun ownership restrictions in a separate bill.

These vilification offences would have gone beyond the existing “hate crimes.” They would have meant up to five years’ jail for any statement, even if completely accurate, that was allegedly likely to “promote” (not just “incite”) hatred, offence, insult, humiliation or intimidation against members of a group, that is, even if it did not directly urge others to act.

Labor dropped those measures because they would not have passed without the support of the Coalition. Spearheaded by the Nationals, it also opposed the gun laws. The Greens helped save the day for the Labor government by voting for the gun legislation, while criticising aspects of the “hate crime” bill.

As part of Albanese’s deal with Ley, the government adopted amendments that require the AFP minister to brief the leader of the opposition before proscribing or de-proscribing a group, and provide for two-yearly reviews of the banning powers by

the bipartisan Parliamentary Joint Committee on Intelligence and Security. That only seeks to ensure unity within the political establishment on the use of the draconian powers.

Both Labor’s bills expand the powers of the police and intelligence agencies. The gun bill includes powers to conduct “criminal intelligence assessments” related to “firearms background checks,” as part of a partial crackdown on gun ownership.

The immediate aim of the “hate crime” bill is to enable the Labor government to legally shut down or stifle anti-genocide demonstrations, which it has sought to do since the Israeli government began its murderous rampage in Palestine in October 2023.

But the legislation does not stop there. Its provisions could apply to statements or protests against any government, entity or group committing war crimes, including the Trump administration, on the grounds of making its supporters feel threatened.

The historic character of Labor’s legislation is underscored by the fact that the “hate group” banning powers expand provisions, first imposed in 2002 under the banner of the “war on terrorism,” to proscribe organisations decreed to be supporters or advocates of terrorism.

As the Socialist Equality Party warned from the outset in 2002, such powers set precedents for the broader outlawing of political parties. Terrorism is defined in sweeping political terms, such as an act of violence or harm seeking to influence government policy for a political, ideological or religious cause.

The Albanese government’s bill further attacks the stand taken against authoritarianism in 1951 when the majority of voters rejected a constitutional referendum by the right-wing Menzies government to outlaw the Communist Party. That plan was defeated despite the feverish whipping up by the media and political establishment of Cold War anti-communism amid the Korean War.

While aimed at criminalising anti-genocide opposition first, the latest legislation builds on police-state powers, including secret questioning and detention without trial, imposed via escalating waves of “terrorism,” “national security,” “foreign interference” and “hate speech” laws since 2002.

This is part of an intensifying assault on dissent and core democratic rights, under conditions of genocide, US-driven war preparations, deepening social inequality, climate change disasters and Labor’s collaboration with the dictatorial Trump regime.



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