



Submission: Women Speak Tasmania input to the Royal Commission on Antisemitism and Social Cohesion

Term of Reference (d): Strengthening social cohesion in Australia and countering the spread of ideologically and religiously motivated extremism

Women Speak Tasmania (WST) is Tasmania's independent sex-based women's advocacy group, aligned with the Affiliation of Australian Women's Action Alliances (AAWAA) and Women's Action Alliance Tasmania (WAAT).

We welcome the Commission's recognition in the Letters Patent that strengthening the national consensus in support of democracy, freedom and the rule of law (social cohesion) provides the strongest defence against antisemitism and other forms of religious and ideologically motivated extremism. Lawful advocacy and open democratic debate are essential to this consensus. When legal frameworks create asymmetries between protected attributes, they risk eroding public trust and discouraging participation in democratic processes.

This submission builds on our earlier contribution to the Parliamentary Joint Committee on Intelligence and Security regarding the Draft Combatting Antisemitism, Hate and Extremism Bill 2026.¹ It focuses on how federal and Tasmanian frameworks can better support social cohesion by ensuring clear, proportionate, and equal protections across all protected attributes, including biological sex.

1. Social cohesion requires clear, proportionate, and equal legal protections

Social cohesion is strengthened when laws are applied consistently and do not create hierarchies among protected attributes. Vague or asymmetric provisions risk subjective enforcement, reduce public confidence in institutions, and chill lawful expression on matters of public interest. The interim report (April 2026)

¹ See our prior submission:

<https://womenspeaktas.au/2026/01/14/parliamentary-joint-committee-on-intelligence-and-security-draft-combatting-antisemitism-hate-and-extremism-bill-2026/>



identified no urgent legislative gaps arising from the Bondi attack response. This provides an appropriate opportunity to examine longer-term drivers of division, including any unintended effects of hate-speech, vilification, or anti-discrimination laws on democratic debate.

2. Federal and Tasmanian frameworks: the omission of sex as a protected attribute

At the federal level, key hate-crime and vilification provisions have historically emphasised race, religion, and national or ethnic origin. Equivalent protections for biological sex remain limited or absent in incitement and vilification contexts. This means women and girls do not receive the same level of safeguard against incitement of hatred, serious contempt, or ridicule that applies to other groups, including those protected on the basis of religion.

In Tasmania, the Anti-Discrimination Act 1998 (ADA) explicitly lists “gender”, “gender identity”, and “sex characteristics” as protected attributes but does not include “sex” (biological female or male).² Vilification and prohibited conduct provisions (ss 17 and 19) therefore do not cover incitement targeting women on the basis of their sex, while providing protection for gender identity.

Tasmania-specific data from the Anti-Discrimination Commissioner’s 2024–25 Annual Report show that “gender” was the third most complained-about attribute for discrimination allegations (40 allegations) and featured prominently in offensive conduct allegations (30 allegations), while “gender identity” accounted for 15 discrimination and 11 offensive conduct allegations (sex characteristics had far fewer: 4 and 2 respectively).³ This pattern underscores the gap: biological sex itself receives no equivalent protection.

Such asymmetry is inconsistent with the principle of equal protection under the law and undermines the national consensus on democracy and freedom that the Commission identifies as central to social cohesion.

3. Risks to social cohesion

² Tasmanian Anti-Discrimination Act 1998 (analysis available at: <https://womenspeaktas.au/2025/11/25/analysis-of-the-tasmanian-anti-discrimination-act-1998/>).

³ Office of the Anti-Discrimination Commissioner Tasmania, *Annual Report 2024–25*, Tables 2.2 and 2.3.



Overly broad or uneven application of hate-related laws can:

- Discourage lawful advocacy on contested policy issues;
- Foster perceptions of unequal treatment under the law;
- Divert resources from genuine threats of extremism or violence toward investigation of lawful expression; and
- Weaken public trust in the institutions responsible for upholding the rule of law.

International experience (e.g., Scotland’s Hate Crime and Public Order Act 2021) shows that lowering thresholds below incitement to violence generates high complaint volumes, strains enforcement resources, and produces calls for reform without clear gains in community cohesion. A high criminal threshold anchored in incitement to violence — as retained in s 93Z of the NSW Crimes Act 1900 — has historically balanced protection against harm with the preservation of democratic freedoms.

4. Recommendations to strengthen social cohesion under Term of Reference (d)

We recommend measures that promote clarity, proportionality, and equal protection at both federal and Tasmanian levels:

1. **Maintain a high criminal threshold:** Any reforms to hate-speech or extremism laws should retain the incitement-to-violence standard. Vague concepts of “hatred”, “contempt”, or “ridicule” without a clear nexus to violence invite subjective enforcement and weaken social trust.
2. **Include sex as a protected attribute:** Explicitly add biological sex (defined by reproductive anatomy and genetics recorded at birth, with exceptions for recognised differences of sex development) to federal and Tasmanian anti-vilification, incitement, and discrimination provisions. Women and girls, like those protected on the basis of religion or other attributes, deserve equivalent safeguards against targeted hatred.
3. **Provide explicit protections for political advocacy:** Introduce statutory public-interest and political-advocacy defences for lawful research, reporting, and democratic debate, including discussion of sex-based rights and biological reality.



4. **Ensure procedural fairness and independent oversight:** Maintain or restore requirements for independent prosecutorial consent before incitement or hate-related charges proceed. Any listing or prohibition frameworks must include notice, opportunity to respond, and judicial review safeguards consistent with the rule of law and the implied freedom of political communication.
5. **Mandate transparency and review:** Require annual public reporting of complaints, investigations, and outcomes under hate-speech and anti-discrimination laws, with independent periodic reviews to assess proportionality and effectiveness.
6. **Support evidence-based law-making:** Future reforms should include rigorous impact assessments on democratic participation and freedom of association, with meaningful consultation of affected stakeholders.

These recommendations reinforce social cohesion by upholding democracy, freedom, and the rule of law — the principles the Commission identifies as the strongest defence against extremism. They ensure that protections are applied equally across attributes, reducing division and supporting the full participation of all Australians in public life.

We thank the Commissioner for considering this submission and remain available to provide further information or appear at hearings.