HOUSE OF REPRESENTATIVES

Presented and read a first time

Religious Hostility Measures (Human Rights Compatibility) Bill 2026

A Bill for an Act to protect persons from violence and unlawful discrimination on the ground of religion, to prevent administrative and legislative measures that restrict freedom of thought, conscience, religion and expression under the guise of combating religious hostility, and for related purposes

Status	Private / consultation draft — not introduced
Short title	Religious Hostility Measures (Human Rights Compatibility) Act 2026
Applies to	The National Response to Islamophobia (2025), the Government response (18 July 2026), and every later Commonwealth measure that uses "Islamophobia", "anti-Muslim hostility", or any equivalent term as an operative standard

Explanatory note (not part of the Bill)

This draft converts the Human Rights Compatibility Policy of September 2026 into statute. It is deliberately strong. It does two things and forbids a third.

First, it requires the Commonwealth to protect every person, including every Muslim Australian, from violence, threats, vandalism of places of worship, and unlawful discrimination because of religion or perceived religion.

Second, it makes it unlawful for the Commonwealth to treat criticism of a religion, including Islam, as a civil, criminal, professional, educational or funding wrong, except where the speech is advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence within the meaning of Article 20(2) of the ICCPR, applied through the Rabat Plan of Action.

Third, it forbids the racialisation of a religion, compelled training in an official theology, viewpoint conditions on grants and university registration, parliamentary speech codes that catch policy argument, and the use of "social cohesion" as a substitute for a criminal offence.

A later Parliament can repeal this Act. Until it does, inconsistent subordinate instruments, grant rules, training modules, curriculum directions, eSafety guidelines, TEQSA conditions and AFP tasking documents have no effect to the extent of the inconsistency. A person with standing can obtain a declaration and an injunction.

The Bill

Part 1 — Preliminary

1 Short title

This Act is the Religious Hostility Measures (Human Rights Compatibility) Act 2026.

2 Commencement

This Act commences the day after it receives the Royal Assent.

3 Binding the Crown

This Act binds the Crown in each of its capacities.

4 Extra-territorial application

This Act applies to a Commonwealth measure that affects a person in Australia, including a visa, platform, funding or communications measure, whether or not the speaker is in Australia.

5 Definitions

In this Act:

agency means a Commonwealth entity, a Commonwealth company, a person exercising a power under a Commonwealth Act, and a body corporate that exercises a public function under a Commonwealth grant, registration or direction.

Covenant means the International Covenant on Civil and Political Rights.

incitement means advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, assessed by the six factors in the Rabat Plan of Action: context, speaker, intent, content and form, extent, and likelihood or imminence of harm.

Islamophobia measure means a Commonwealth Act, instrument, policy, grant guideline, training module, curriculum direction, code of conduct, regulatory condition, database rule, visa criterion, or tasking document that uses "Islamophobia", "anti-Muslim hostility", "anti-Muslim sentiment", or any equivalent term as an operative standard.

person-protection conduct means:

(a) a violent offence, a threat, stalking, or damage to property, motivated by hostility to a person because the person is or is perceived to be of a particular religion;

(b) unlawful discrimination against such a person in work, education, accommodation or the provision of goods, services or facilities; or

(c) incitement.

protected criticism means speech, teaching, research, art, journalism, parliamentary debate, protest or worship that criticises, rejects, satirises or analyses a religion, a religious text, a religious law, a religious movement, a religious state, or a foreign-policy position connected with a religion, including Islam.

religion includes a religious denomination, a religious movement, a system of religious law, and the absence of religious belief.

Rabat Plan of Action means the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted on 5 October 2012.

6 Objects

The objects of this Act are:

(a) to give effect, so far as the Parliament considers appropriate, to Articles 2, 6, 9, 14, 15, 17, 18, 19, 20, 21, 22, 25, 26 and 27 of the Covenant, and to related obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, and ILO Convention 111;

(b) to protect every person in Australia from person-protection conduct;

(c) to prevent the Commonwealth from protecting a religion, as a system of ideas, from criticism;

(d) to prevent the racialisation of a religion;

(e) to secure equal treatment of every religion and of non-belief; and

(f) to make Islamophobia measures justiciable against those objects.

7 Overriding principle

(1) The Commonwealth may act to protect persons. The Commonwealth must not act to manage beliefs, history, theology or politics.

(2) This section prevails over any Islamophobia measure to the extent of any inconsistency.

Note: *Section 7 is the operative heart of the Act. Everything that follows is an application of it.*

Part 2 — What the Commonwealth must do

8 Duty to protect persons

(1) The Commonwealth must take reasonable and appropriate measures to protect every person in Australia, including every Muslim Australian, from person-protection conduct.

(2) The duty in subsection (1) is religion-neutral. It applies to a Christian, a Jew, a Hindu, a Buddhist, a Sikh, an Ahmadi, an apostate, a person of no religion, and a Muslim, on the same legal test.

(3) Physical security assistance for a place of worship may be provided only on evidenced risk, not on the identity of the faith as such.

9 Duty to apply one incitement test

(1) If the Commonwealth prohibits or restricts speech on the ground of religious hatred, it must use the definition of incitement in section 5.

(2) The Commonwealth must not treat stereotype, satire, theology, apostasy narrative, historical claim, security analysis or foreign-policy argument as incitement.

(3) An assessment of incitement must record, in writing, each Rabat factor.

Part 3 — What the Commonwealth must not do

10 No restriction of protected criticism

(1) An agency must not, by an Islamophobia measure or otherwise:

(a) treat protected criticism as a criminal offence, a civil penalty, professional misconduct, a funding breach, a visa character failure, or an educational harm;

(b) require a person to refrain from protected criticism as a condition of employment, office, registration, grant, enrolment or platform access that the Commonwealth controls or directs; or

(c) direct a private body to do a thing that the agency itself could not do under paragraph (a) or (b).

(2) Subsection (1) does not prevent action against incitement or against person-protection conduct.

11 No undefined operative term

(1) An Islamophobia measure has no effect unless it uses an operative definition that is confined to person-protection conduct.

(2) A definition that includes “dread or hatred of Islam”, “hatred of Islam”, “anti-Muslim sentiment”, “harmful stereotype”, “Islamophobic narrative”, or “Islamophobia in any form” is not confined to person-protection conduct.

(3) An agency must publish any operative definition before the measure takes effect.

12 No racialisation of a religion

(1) The Commonwealth must not treat a religion, including Islam, as a race for the purpose of the Racial Discrimination Act 1975 or any other Commonwealth law.

(2) A positive duty to eliminate racial discrimination does not apply to protected criticism of a religion.

(3) An amendment of the Racial Discrimination Act 1975 that classifies Muslims, or any other religious community as such, as a racial or ethno-religious group does not take effect unless:

(a) the Parliamentary Joint Committee on Human Rights has reported on the amendment by reference to Articles 19 and 26 of the Covenant and Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination; and

(b) each House of the Parliament has passed a resolution that the amendment is compatible with those Articles.

Note: *Subsection (3) is a political manner-and-form provision. It cannot bind a later Parliament that expressly repeals it. Until repeal, it is the rule.*

13 Equality of religions

(1) A restriction, grant, training obligation, curriculum requirement, complaint pathway or security program that applies to hostility toward one religion must be available, on the same legal test, for hostility toward every other religion and toward non-belief.

(2) A measure that is denser, better funded, or more punitive for one religion than for others is invalid unless the agency publishes comparative evidence of harm and a time-limit of not more than 24 months.

14 No official theology

(1) The Commonwealth must not prescribe an official account of a religion's history, values, or relationship to the Australian constitutional order as a condition of teaching, public employment or public funding.

(2) A curriculum review, social-cohesion framework or "faith literacy" module must state that criticism of every religion is lawful.

(3) A student, teacher or parent may refuse to affirm a proposition about a religion.

15 Intra-faith dissent

(1) Protected criticism includes criticism of a religion by a current or former adherent of that religion.

(2) An agency must not treat an apostate, a reformer, an Ahmadi, a Quranist, a secular Muslim, a Muslim feminist or a lesbian, gay, bisexual or transgender Muslim as engaging in Islamophobia by reason only of that criticism.

(3) Consultation on an Islamophobia measure is not valid if it is confined to peak religious bodies and excludes the persons mentioned in subsection (2).

Part 4 — Parliament, public service and political rights

16 Parliamentary speech

(1) A behaviour code, Independent Parliamentary Standards Commission process, or professional-development condition for a parliamentarian or a member of staff under the Members of Parliament (Staff) Act 1984 has no effect to the extent that it treats protected criticism as misconduct.

(2) Training for parliamentarians and staff may describe person-protection conduct. It must not require affirmation of a definition of Islamophobia.

17 Public service and no religious test

(1) Employment, retention and advancement in the Australian Public Service must not be decided by religion or by willingness to affirm an official account of Islamophobia.

(2) This section is in addition to section 116 of the Constitution.

(3) A recruitment or leadership pathway designed around a particular religion is invalid.

18 Political opinion

A person's political opinion about immigration, integration, religious law, counter-terrorism or a foreign conflict is not, of itself, Islamophobia.

Part 5 — Education and research

19 Schools and early childhood

(1) A Commonwealth direction, grant or framework for a school or an early-childhood service must not:

(a) require a child to affirm a proposition about a religion;

(b) treat protected criticism as intolerance; or

(c) bundle "Islamophobia" with "anti-Palestinian racism" or "anti-Arab racism" so that a foreign-policy position becomes a racial or religious harm.

(2) Draft materials must be published for public consultation for at least 28 days.

(3) A parent may withdraw a child from a module that concerns religious belief.

20 Universities

(1) The Tertiary Education Quality and Standards Agency must not treat failure to adopt a definition of Islamophobia, or the hosting of protected criticism, as a failure of anti-discrimination obligations.

(2) A National Student Ombudsman process must apply the definition of incitement in section 5. It must not substitute communal offence.

(3) Academic freedom to research Islamist movements, integration, grooming, foreign influence, and sex-based rights inside religious communities is protected criticism.

21 Children — equal protection

A structured protection, complaint pathway or wellbeing program for a child facing religious hostility must be available on the same legal test regardless of the child's religion or lack of religion.

Part 6 — Online safety, media, arts and visas

22 Online safety

(1) The eSafety Commissioner, and any digital duty of care imposed by or under a Commonwealth Act, must not treat protected criticism as a ground for removal, de-ranking, account restriction or penalty.

(2) The only religious-speech ground for such action is incitement or another offence against a law of the Commonwealth.

(3) A guideline that uses "Islamophobic material" as an operative category has no effect unless the category is confined as required by section 11.

23 Media and arts funding

(1) A Commonwealth grant for media, journalism, documentary or the arts must not be conditioned on "positive representation" of a religion.

(2) The Commonwealth must not fund the monitoring of protected criticism as such.

24 Visas and foreign speakers

(1) Protected criticism is not, of itself, a character concern, a ground to refuse a visa, or a ground to refuse circulation of a film, book or lecture.

(2) A decision that treats protected criticism as "hate speech" is unlawful.

(3) Reasons for a visa refusal that rely on a speaker's views about a religion must be given in writing and are reviewable.

Part 7 — Policing, data and security law

25 Crimes, not cohesion

(1) The Australian Federal Police and any other Commonwealth enforcement body must not task against lawful speech on the ground that the speech is a threat to social cohesion.

(2) "Social cohesion" is not an offence.

26 Databases

(1) A National Hate Crimes Database, or any similar system, must distinguish a crime from a non-criminal incident.

(2) A non-criminal incident must not be used as an enforcement list, a security-assessment input, or a basis for professional or immigration action.

27 Terrorist-act definition

(1) The definition of a terrorist act in the Criminal Code must not be altered for the purpose of managing the reputation of a religious community.

(2) A Bill that amends that definition must be accompanied by a compatibility statement addressing Article 6 of the Covenant (protection of life) and Articles 2 and 26 (non-discrimination).

Part 8 — Health, work and sex-based rights

28 Health regulation

(1) The Australian Health Practitioner Regulation Agency and a National Board must not treat clinical or ethical disagreement with a religious practice as Islamophobia.

(2) Culturally safe care does not authorise a clinician to withhold treatment, information or a safeguarding report because a religious community objects.

29 Work

A person's political opinion about a religion, and a person's religion or lack of religion, must not be used as a ground of adverse treatment or preferment in work that the Commonwealth controls or funds, except as a genuine occupational requirement of a religious institution that is already lawful.

30 Sex-based rights

(1) Analysis of guardianship, inheritance, testimony rules, compelled covering, forced marriage or honour-based abuse is protected criticism.

(2) A grant program for women must not be confined to organisations that deny or minimise those issues.

Part 9 — Inquiries, national days and foreign frames

31 Commissions of inquiry

(1) Terms of reference for a Commonwealth inquiry into religious hostility must not include examination of political discourse or journalism as a cause to be policed.

(2) If the Commonwealth establishes an inquiry into hostility toward one religious or ethnic group, it must at the same time publish the comparative case for not establishing equivalent inquiries into hostility toward other groups.

32 Official days

Observance of the International Day to Combat Islamophobia, or of any similar day, is voluntary. An agency must not require a staff member, a student or a grant recipient to participate.

33 No imported war frame

The Commonwealth must not treat a position on a foreign conflict, including a position on Israel, Palestine, Hamas, Hezbollah or the Islamic Republic of Iran, as a racial or religious characteristic, or as Islamophobia, by reason only of that position.

Part 10 — Compatibility machinery

34 Compatibility statement

(1) A Minister who proposes an Islamophobia measure must table, before the measure takes effect, a compatibility statement that addresses every item in Schedule 1.

(2) A statement that marks an item "not engaged" must state why.

(3) A measure must not take effect if any engaged item in Schedule 1 is uncleared.

(4) Schedule 1 is part of this Act. Each item is set out in full. A compatibility statement that summarises, paraphrases, cross-refers to an external document, or omits an item is not a compatibility statement for this section.

(5) If an item is marked "not engaged", the statement must state the facts that make the item inapplicable.

35 Parliamentary Joint Committee on Human Rights

(1) The Parliamentary Joint Committee on Human Rights must examine:

(a) the Government response of 18 July 2026 to the National Response to Islamophobia; and

(b) every later Islamophobia measure that is an Act or a legislative instrument.

(2) The Committee must report against Schedule 1 and against Articles 18, 19, 20, 25 and 26 of the Covenant.

36 Independent reviewer

(1) The Minister must appoint an Independent Reviewer of Religious Hostility Measures within 30 days after commencement.

(2) The Reviewer must not be a serving special envoy.

(3) The Reviewer must report to the Parliament within 12 months after commencement, and every 12 months after that, on compliance with this Act.

Part 11 — Invalidity, remedies and standing

37 Inconsistent instruments of no effect

(1) An Islamophobia measure, including a grant guideline, training module, curriculum direction, eSafety guideline, TEQSA condition, AFP tasking document, behaviour code and visa criterion, has no effect to the extent of any inconsistency with this Act.

(2) This section applies to a measure made before or after commencement.

(3) A funding agreement that requires a recipient to do a thing prohibited by this Act is unenforceable to that extent.

38 Standing

The following persons may apply to the Federal Court of Australia or the Federal Circuit and Family Court of Australia (Division 2) for a remedy under section 39:

(a) a person whose protected criticism is restricted, or is likely to be restricted, by an Islamophobia measure;

(b) a journalist, academic, teacher, parent, parliamentarian, apostate, or women's-rights advocate with a sufficient interest;

(c) the Independent Reviewer;

(d) the Australian Human Rights Commission.

39 Remedies

(1) The Court may grant:

(a) a declaration that a measure is inconsistent with this Act;

(b) an injunction;

(c) an order setting aside a decision; and

(d) any other order the Court considers appropriate.

(2) Damages are not available under this Act except for a breach of section 8 that is also a breach of another law.

(3) An application under this Part must be heard as quickly as the proper consideration of the matter allows.

40 No contracting out

A person cannot waive a right under this Act by a grant condition, an employment contract, a code of conduct or an enrolment term.

Part 12 — Review, sunsets and miscellaneous

41 Sunset of certain existing measures

(1) The following cease to have effect 12 months after commencement unless each House of the Parliament passes a resolution that the measure, as then operating, is compatible with this Act:

(a) the Islamophobia Education Taskforce;

(b) any Social Cohesion Framework for schools that treats Islamophobia as an operative harm;

(c) any APS or parliamentary training module on Islamophobia;

(d) any grant guideline confined to Muslim organisations by reason only of religion.

(2) A resolution under subsection (1) does not authorise a thing that this Act prohibits.

42 Review of this Act

The Independent Reviewer must review this Act after three years and report to the Parliament on whether it should be amended, preserved or repealed.

43 Rules

(1) The Minister may, by legislative instrument, make rules prescribing matters required or permitted by this Act.

(2) Rules that expand the meaning of Islamophobia, that narrow protected criticism, or that abridge, summarise or omit an item of Schedule 1, are of no effect.

44 Relationship with other laws

(1) This Act does not limit the Racial Discrimination Act 1975, the Sex Discrimination Act 1984, or a State or Territory law so far as that law prohibits person-protection conduct.

(2) This Act prevails over an Islamophobia measure to the extent of any inconsistency.

(3) This Act does not authorise a law for establishing a religion, imposing a religious observance, or imposing a religious test for any office or public trust under the Commonwealth.

Schedule 1 — Potential human rights violations (compatibility checklist)

This Schedule is part of this Act. It is the full list of potential human rights violations that an Islamophobia measure must clear. A measure is not compatible with this Act unless every engaged item is cleared.

How this Schedule is to be used

(1) The decision-maker must ask the question in subitem (1) of the item.

(2) The measure is cleared against that item only if the condition in subitem (2) is met.

(3) The potential violation named in the item crystallises if the condition in subitem (3) is met.

(4) An item that does not apply must be marked "not engaged" with reasons. Silence is not "not engaged".

(5) One uncleared engaged item is enough. The measure must not take effect.

Note: *This Schedule is enacted in full. It cannot be replaced by a summary, a policy paper, or an external table.*

Item 1 — ICCPR Article 19 — expression

(1) Question. Does the measure use an undefined term ("Islamophobia", "narrative", "sentiment", "any form") as the trigger for a penalty, removal, funding condition or professional consequence?

(2) Cleared only if the operative term is defined in foreseeable language confined to violence, threats, unlawful discrimination or incitement as defined in section 5.

(3) Potential violation crystallises if the trigger is undefined or includes "hatred of Islam" as a religion.

Item 2 — ICCPR Article 19 — expression

(1) Question. Does the measure restrict criticism of Islamic doctrine, history, law, political Islam, jihadist ideology or foreign policy?

(2) Cleared only if there is no such restriction, or the only restriction is incitement assessed under the Rabat Plan of Action.

(3) Potential violation crystallises if criticism of ideas is treated as harm, misconduct or intolerance.

Item 3 — ICCPR Article 19 — expression

(1) Question. Does an inquiry, taskforce or review examine media, film or political discourse as a "driver" of hostility?

(2) Cleared only if the terms of reference expressly protect journalism, academic work and parliamentary speech.

(3) Potential violation crystallises if political speech or journalism is an object of official investigation.

Item 4 — ICCPR Articles 19 and 25 — parliamentary speech

(1) Question. Do parliamentary behaviour codes or Independent Parliamentary Standards Commission processes treat debate on immigration, integration, sharia, counter-terrorism or Gaza as "Islamophobic behaviour"?

(2) Cleared only if the codes contain an express carve-out for political speech that is not incitement.

(3) Potential violation crystallises if a parliamentarian or staffer can be investigated for a policy argument.

Item 5 — ICCPR Article 19 — compelled training

(1) Question. Do training modules for parliamentarians, the Australian Public Service, police, teachers or lawyers require staff to treat specified arguments as illegitimate prejudice?

(2) Cleared only if training addresses person-protection conduct only, and states that criticism of Islam is lawful.

(3) Potential violation crystallises if completion or affirmation of an official narrative is a condition of work.

Item 6 — ICCPR Article 19 — online platforms

(1) Question. Will the eSafety Commissioner or a digital duty of care remove "Islamophobic material" below the incitement threshold?

(2) Cleared only if removal is limited to an offence against a law of the Commonwealth or to incitement; communal offence is not the test.

(3) Potential violation crystallises if offence to a religion, a stereotype or a "narrative" is enough to take content down.

Item 7 — ICCPR Article 19 — press

(1) Question. Are grants used to monitor media or to "counter Islamophobic narratives"?

(2) Cleared only if grants do not condition funding on suppressing protected criticism or on "positive representation".

(3) Potential violation crystallises if the Commonwealth funds monitoring of one side of a public argument.

Item 8 — ICCPR Article 19(2) — right to receive information

(1) Question. Can a visa or film restriction exclude a foreign speaker or work because it criticises Islam?

(2) Cleared only if character or classification decisions rest on incitement or ordinary criminality, with reviewable reasons.

(3) Potential violation crystallises if criticism of a religion is a bar to entry or to circulation.

Item 9 — ICCPR Article 19 — universities

(1) Question. Does TEQSA or the National Student Ombudsman treat failure to adopt a definition of Islamophobia, or hosting a critical speaker, as non-compliance?

(2) Cleared only if university duties are limited to unlawful discrimination and incitement; academic freedom is preserved.

(3) Potential violation crystallises if reading lists, protests or invited speakers are policed as Islamophobia.

Item 10 — ICCPR Article 19 — arts

(1) Question. Is arts or cultural funding conditioned on approved communal stories?

(2) Cleared only if funding is viewpoint-neutral as to religion.

(3) Potential violation crystallises if critical, satirical or ex-Muslim work is ineligible because of its viewpoint.

Item 11 — ICCPR Articles 19 and 17 — data

(1) Question. Will a hate-crimes database or AFP portal log non-criminal speech as "Islamophobic hate"?

(2) Cleared only if only crimes are listed for enforcement. Non-crime incidents are not an enforcement list.

(3) Potential violation crystallises if lawful speech is catalogued as hate data.

Item 12 — ICCPR Article 20(2) — incitement

(1) Question. Does the measure collapse stereotype, satire, theology or foreign-policy argument into "incitement"?

(2) Cleared only if the Rabat six-part test is applied in writing: context, speaker, intent, content, extent, likelihood.

(3) Potential violation crystallises if prejudice or offence is treated as incitement.

Item 13 — ICCPR Article 20(2) — incitement

(1) Question. Are speaker and intent ignored (an apostate, a survivor or an analyst treated as equivalent to a person urging violence)?

(2) Cleared only if speaker status and intent are recorded in every incitement assessment.

(3) Potential violation crystallises if the identity of the target group replaces the Rabat factors.

Item 14 — ICCPR Article 20(2) — equality of duty

(1) Question. Is the incitement machinery built around one religion only?

(2) Cleared only if the same incitement test applies to every religion and to non-belief.

(3) Potential violation crystallises if only anti-Muslim speech is administratively prioritised as incitement.

Item 15 — ICCPR Article 18 — belief

(1) Question. Is the purpose of the measure to change what people may think about a religion, rather than to stop assaults on persons?

(2) Cleared only if the purpose is protection of persons from violence and unlawful discrimination.

(3) Potential violation crystallises if the purpose is official management of beliefs about Islam.

Item 16 — ICCPR Article 18 — dissenters

(1) Question. Are apostates, reformers, Ahmadis, secular Muslims, Muslim feminists or LGBT Muslims coded as Islamophobic when they criticise doctrine?

(2) Cleared only if intra-Muslim and ex-Muslim dissent is expressly protected.

(3) Potential violation crystallises if a peak-body narrative is treated as the community's only lawful voice.

Item 17 — ICCPR Article 18 — compelled manifestation

(1) Question. Must a public servant, teacher or parliamentarian affirm an official account of Islam or of Islamophobia?

(2) Cleared only if training is informational, optional as to belief, and does not require affirmation.

(3) Potential violation crystallises if affirmation or "correct" answers on belief are a condition of office.

Item 18 — ICCPR Article 18(4) — parents

(1) Question. Does a school framework treat specified views of Islam or of the Middle East as intolerance that parents may not counter?

(2) Cleared only if parents can withdraw from or contest prescribed belief content; materials are published in draft.

(3) Potential violation crystallises if a state account of a religion is taught as "tolerance" with no parental remedy.

Item 19 — ICCPR Article 18 — official day

(1) Question. Is observance of 15 March compelled in workplaces or schools?

(2) Cleared only if any recognition is voluntary and does not require speech or ritual.

(3) Potential violation crystallises if staff or students must participate in an official religious-political observance.

Item 20 — ICCPR Article 26 and ICERD Article 1

(1) Question. Does the measure treat Muslims as a racial group, or add a positive duty once so classified?

(2) Cleared only if religion is treated as religion. There is no Racial Discrimination Act racialisation without the process in section 12.

(3) Potential violation crystallises if theological or political disagreement becomes "racial vilification".

Item 21 — ICCPR Article 26 — grants

(1) Question. Are grants, institutes, trauma protocols or leadership streams identity-exclusive without a tight, evidenced, time-limited justification?

(2) Cleared only if need is evidenced, the term is limited, and equivalent tools exist for other targeted groups.

(3) Potential violation crystallises if there is open-ended preferment on the ground of religion.

Item 22 — ICCPR Article 26 and Constitution section 116

(1) Question. Does Australian Public Service recruitment or leadership design prefer Muslims or impose a religious test for office?

(2) Cleared only if hiring remains merit-based plus general non-discrimination. There is no religious test.

(3) Potential violation crystallises if there are soft quotas or religious preferment in public employment.

Item 23 — ICCPR Article 26 — inquiries

(1) Question. Is a commission of inquiry created for Islamophobia or anti-Palestinian or anti-Arab racism with no equivalent mandate for other documented hatreds?

(2) Cleared only if inquiry power is either general or justified by specific, published comparative evidence.

(3) Potential violation crystallises if State investigative power is allocated by identity alone.

Item 24 — ICCPR Article 26 and CEDAW

(1) Question. Does "gender-conscious" design treat feminist analysis of religious gender rules as Islamophobia?

(2) Cleared only if women's equality analysis remains lawful. CEDAW Articles 2, 5 and 16 are not subordinated.

(3) Potential violation crystallises if sex-based rights speech is recoded as religious hatred.

Item 25 — ICCPR Article 25 — political rights

(1) Question. Can advancement in the Australian Public Service or a minister's office depend on internalising official Islamophobia training?

(2) Cleared only if political opinion is not a practical qualification for public service.

(3) Potential violation crystallises if viewpoint compliance is a condition of participation in public affairs.

Item 26 — ICCPR Article 25 — elections

(1) Question. Will publicly funded media or platforms filter one side of a live policy debate as hate during an electoral period?

(2) Cleared only if voters can still receive both sides of lawful policy argument.

(3) Potential violation crystallises if one lawful side of a public controversy is administratively silenced.

Item 27 — ICCPR Articles 9 and 15 — liberty and legality

(1) Question. Can AFP "social cohesion" or national-security teams task against non-criminal speech as a threat to cohesion?

(2) Cleared only if powers are used only for offences. Cohesion is not a substitute for a crime.

(3) Potential violation crystallises if security methods are used on lawful expression.

Item 28 — ICCPR Article 14 — fair hearing

(1) Question. Can AHPRA, a teaching regulator, a university or a workplace treat accusation as proof and deny contest of the definition?

(2) Cleared only if the accused can contest the definition, the evidence and the penalty with equality of arms.

(3) Potential violation crystallises if complaint processes are one-way and the standard is circular.

Item 29 — ICCPR Article 15 — no vague penalty

(1) Question. Are livelihood, visa, registration or liberty consequences attached to "Islamophobia" without a foreseeable rule?

(2) Cleared only if every consequence is tied to a published, precise legal standard.

(3) Potential violation crystallises if a person cannot know in advance what speech will cost them their job or visa.

Item 30 — ICCPR Article 17 — privacy

(1) Question. Does media-monitoring or a communications portal systematically observe online speech about Islam for official counter-narrative purposes?

(2) Cleared only if any collection has a clear criminal-law basis, retention limits and access rules.

(3) Potential violation crystallises if lawful political or religious speech is put under standing official watch.

Item 31 — ICCPR Article 17 — reputation

(1) Question. Will the Commonwealth brand a journalist, academic or parliamentarian as a vector of Islamophobia without an incitement finding?

(2) Cleared only if official labels follow a fair process and a legal finding.

(3) Potential violation crystallises if reputational sanction is imposed by press release or training example.

Item 32 — ICCPR Article 21 — assembly

(1) Question. Are anti-Hamas, anti-theocracy, anti-sharia or pro-Israel assemblies treated as Islamophobic while the reverse is permitted?

(2) Cleared only if the same assembly rules apply regardless of which side of a foreign conflict is being argued.

(3) Potential violation crystallises if one geopolitical viewpoint is a condition of the right to assemble.

Item 33 — ICCPR Article 22 — association

(1) Question. Can a group be defunded or listed because its purpose is criticism of political Islam or support for apostates?

(2) Cleared only if listing and funding rules turn on violence or incitement, not on viewpoint about a religion.

(3) Potential violation crystallises if association is penalised for lawful dissent from religious orthodoxy.

Item 34 — ICCPR Article 22 — compelled association

(1) Question. Must a school, club or broadcaster join an official anti-Islamophobia framework to keep registration or funding?

(2) Cleared only if participation is voluntary.

(3) Potential violation crystallises if access to ordinary civic status is conditioned on joining the framework.

Item 35 — ICCPR Article 27 — minorities

(1) Question. Is Article 27 used as a sword against the majority's speech rather than as a shield for the minority's own practice?

(2) Cleared only if minority protection covers worship, language and communal life, not immunity of ideas from criticism.

(3) Potential violation crystallises if minority rights are cited to justify speech control.

Item 36 — ICCPR Article 27 — intra-minority

(1) Question. Does an official "Muslim community" voice erase intra-Muslim minorities?

(2) Cleared only if dissenting Muslims have equal standing in consultation.

(3) Potential violation crystallises if peak bodies monopolise the minority right.

Item 37 — ICCPR Article 2 — effective remedy

(1) Question. If accused of Islamophobia, does the person have a real judicial or independent path to test the definition against Articles 18 and 19?

(2) Cleared only if an effective remedy exists and the definition is justiciable.

(3) Potential violation crystallises if the definition is official, circular and insulated from review.

Item 38 — ICCPR Article 2 — attribution

(1) Question. Are schools, universities, platforms, health regulators or broadcasters being used as enforcement arms?

(2) Cleared only if private restrictions required or incentivised by the Commonwealth are treated as Commonwealth acts and pass Part 3.

(3) Potential violation crystallises if the Commonwealth outsources restriction and then denies responsibility.

Item 39 — ICCPR Articles 2 and 26 — distinction

(1) Question. Is a denser administrative apparatus built for one religious identity than for other victims of religious hatred?

(2) Cleared only if any extra machinery is time-limited and justified by published comparative harm data.

(3) Potential violation crystallises if identity alone explains the extra machinery.

Item 40 — ICCPR Article 6 — life and counter-terrorism law

(1) Question. Is the terrorist-act definition being altered to manage stigma rather than to fit evidence and protect life?

(2) Cleared only if any change improves Article 6 protection without discriminatory Article 2 or 26 effect, shown in a published compatibility statement.

(3) Potential violation crystallises if the legal tool is blunted, or applied in a religiously discriminatory way, to manage image.

Item 41 — ICESCR Articles 6 and 7 — work

(1) Question. Can a person be dismissed or barred from a profession for lawful speech about Islam?

(2) Cleared only if employment consequences attach only to violence, threats, unlawful discrimination or incitement.

(3) Potential violation crystallises if a job or registration is lost for theology, history or politics.

Item 42 — ICESCR Article 13 — education

(1) Question. Does curriculum or early-childhood material replace open inquiry with an official account of Islam and "tolerance"?

(2) Cleared only if students may examine critical as well as affirmative sources. Academic freedom is intact.

(3) Potential violation crystallises if dissenting historical or theological material is treated as intolerance.

Item 43 — ICESCR Article 13 — universities

(1) Question. Must an institution "demonstrate commitment" to addressing Islamophobia as a regulatory condition?

(2) Cleared only if regulation tracks unlawful discrimination only.

(3) Potential violation crystallises if a loyalty condition is attached to higher-education registration.

Item 44 — ICESCR Article 15 — science and culture

(1) Question. Is research or art on Islamist movements, integration, grooming or sex-based rights inside religious communities chilled by funding rules?

(2) Cleared only if scientific and artistic freedom is expressly preserved.

(3) Potential violation crystallises if those inquiries are treated as Islamophobic by design.

Item 45 — CRC Articles 13 and 17 — child speech and information

(1) Question. Are books, speakers or news stories put off-limits to children as Islamophobic?

(2) Cleared only if restrictions meet CRC tests and do not hide lawful public debate from older children.

(3) Potential violation crystallises if the Commonwealth curates a single account of a religion for the child.

Item 46 — CRC Article 14 — child belief

(1) Question. Does school training catechise a state view of a religion?

(2) Cleared only if education informs; it does not compel belief. Parental liberty under ICCPR Article 18(4) is respected.

(3) Potential violation crystallises if the child is trained that specified conclusions about Islam are forbidden.

Item 47 — CRC Article 29 — aims of education

(1) Question. Is "tolerance" taught in a way that blocks teaching of documented human-rights problems in Islamic law or in particular states?

(2) Cleared only if tolerance and critical human-rights education both remain possible.

(3) Potential violation crystallises if Article 29 is applied in one direction only.

Item 48 — CRC Article 2 — child equality

(1) Question. Do Muslim pupils receive structured protection that Jewish, Christian, Hindu or apostate children facing religious hostility do not?

(2) Cleared only if protection of children from religious hostility is available on the same legal test.

(3) Potential violation crystallises if child protection is allocated by which religion is involved.

Item 49 — CEDAW Articles 2, 5 and 16

(1) Question. Does the measure treat analysis of guardianship, inheritance, testimony rules, compelled covering or honour-based abuse as Islamophobia?

(2) Cleared only if those analyses remain lawful. Partners are not limited to organisations that deny the issues.

(3) Potential violation crystallises if women's-equality speech is recoded as religious hatred.

Item 50 — Convention on the Rights of Persons with Disabilities

(1) Question. Does "culturally safe" care stop a clinician addressing a religious practice that harms a disabled patient?

(2) Cleared only if the patient's health, capacity and freedom from exploitation prevail over communal sensitivity.

(3) Potential violation crystallises if a communal rule overrides the patient's rights under that Convention.

Item 51 — ICERD Article 4

(1) Question. Is a racial-hate regime being exported onto religious controversy?

(2) Cleared only if Article 4 is confined to racial hatred and read with freedom of expression (CERD General Recommendation 35).

(3) Potential violation crystallises if blasphemy control is smuggled through racial-hate law.

Item 52 — 1981 Declaration and UDHR Articles 18 and 19

(1) Question. Does the measure protect a religion from criticism rather than a person from discrimination?

(2) Cleared only if persons are protected. Ideas are not.

(3) Potential violation crystallises if "defamation of religions" is revived under a domestic label.

Item 53 — ILO Convention 111 — employment

(1) Question. Is political opinion critical of Islam, or religious identity, used as a ground of adverse treatment or preferment at work?

(2) Cleared only if Convention 111 grounds are respected in both directions: no penalty for opinion, no religious preferment.

(3) Potential violation crystallises if opinion or religion decides who is hired, promoted or dismissed.

Item 54 — Constitution section 116

(1) Question. Does any Commonwealth rule establish a religion, impose a religious observance, or impose a religious test for office?

(2) Cleared only if there is no establishment, no compelled observance, and no religious test.

(3) Potential violation crystallises if public office or public money is tied to a religious-political creed.

Item 55 — Systemic risk — prior restraint (General Comment 34)

(1) Question. Taken together, do training, codes, grants, eSafety, TEQSA, AHPRA, an AFP portal and a database cause speakers to self-censor before they speak?

(2) Cleared only if each component is independently necessary and the stack still leaves core speech free.

(3) Potential violation crystallises if the stack is the restriction, even with no conviction.

Item 56 — Systemic risk — official truth

(1) Question. Do a research institute, storytelling grants, curriculum, national day, envoy office and index add up to a state-sponsored knowledge system?

(2) Cleared only if dissenting empirics remain fundable and teachable.

(3) Potential violation crystallises if disagreement with the official account is treated as denial or hate.

Item 57 — Systemic risk — imported war frame

(1) Question. Is Islamophobia bundled with anti-Palestinian and anti-Arab racism so that a live war becomes domestic race law?

(2) Cleared only if foreign-policy argument remains ordinary political speech.

(3) Potential violation crystallises if one side of a war is a protected racial characteristic; the other is hate.

Item 58 — Systemic risk — children as enforcement surface

(1) Question. Are early childhood, schools and under-16 online rules the main place the policy is enforced, where Articles 18 and 19 are hardest to exercise?

(2) Cleared only if adult political speech is not laundered through child-protection rules.

(3) Potential violation crystallises if the next generation is the enforcement surface for an adult speech policy.

Item 59 — Systemic risk — two inconsistent regimes

(1) Question. Do parallel envoy architectures create two inconsistent speech rules (for example on Israel, Gaza, Islamism and antisemitism)?

(2) Cleared only if one lawful standard applies to every community.

(3) Potential violation crystallises if a person caught between the two regimes loses Articles 19 and 26 at once.

Item 60 — Residual legality test (section 7 and Part 3)

(1) Question. If every item above is marked not-engaged or cleared, does the measure still fail legality, legitimate aim, or necessity?

(2) Cleared only if a written compatibility note on the file shows the restriction is prescribed by law, necessary and proportionate.

(3) Potential violation crystallises if the measure is useful, popular or funded—but not necessary.

Schedule 2 — Consequential notes

The following are intended to be read subject to this Act and, where necessary, amended by a later statute:

(a) Online Safety Act 2021 — removal and duty-of-care powers;

(b) Tertiary Education Quality and Standards Agency Act 2011 — registration conditions;

(c) Australian Federal Police Act 1979 — functions described as social cohesion;

(d) Migration Act 1958 — character and visa-refusal powers used against speakers;

(e) Racial Discrimination Act 1975 — any attempt to treat a religion as a race;

(f) Criminal Code Act 1995 — terrorist-act definition;

(g) Parliamentary Workplace Support Service legislation and behaviour codes.

End of Bill.

This draft is not legal advice and has not been settled by the Office of Parliamentary Counsel. It is a policy-to-statute translation of the Human Rights Compatibility Policy and the sixty-row potential-violations schedule.