

Fighting Antisemitism and Keeping Guns out of the Hands of Terrorists and Criminals Amendment Bill 2026

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Dear Committee Members,

I write as President of Ausdance National, the peak body representing the dance sector across Australia (a network of state & territory organisations). This submission addresses the governance, operational and First Nations implications of the proposed hate speech provisions for the performing arts & culture sector.

The objective of preventing hate conduct is supported. However, the Bill's reliance on a "legitimate purpose" defence for artistic expression rather than a clear statutory exemption creates avoidable uncertainty for organisations presenting public performance.

1. Organisational Risk and Board Exposure

Dance companies, festivals and cultural presenters are governed by boards comprised largely of volunteer directors. Where criminal liability may arise based on alleged intention to cause offence, directors are required to treat programming decisions as potential criminal-risk decisions.

This introduces:

- Increased legal scrutiny of artistic content
- Higher compliance costs
- Insurance uncertainty, including potential exclusions
- Heightened Directors & Officers exposure concerns
- Reduced willingness of individuals to serve as directors

The predictable outcome in such an environment is conservative programming. Risk minimisation becomes a governance obligation once criminal exposure is plausible.

2. Operational Consequences

Dance and performance frequently engage with contested issues including identity, social concerns, religion, colonisation, war and political conflict. Symbolic or embodied expression may be provocative or confronting.

If investigation of risk in this specific legislation as it stands occurs prior to application of a defence, organisations will adopt a cautious posture. This reduces artistic diversity and willingness to engage with complex social questions.

The effect is commonly described as a chilling effect arising from overbreadth.

3. First Nations Cultural Practice

I have been advised by First Nations organisation Pryce Centre for Culture and Arts, that the implications for Aboriginal and Torres Strait Islander Communities are particularly concerning in North Queensland. The implications of not having representation of First Nations voices in the submission is huge and could produce unintended negative consequences for the wider community.

Traditional Owner groups they work with practice Ceremony, maintain their Cultures through storytelling, dance, arts and Cultural education frequently including truth-telling about colonisation, social impact, dispossession and sovereignty. Cultural Authority to them includes the right to speak directly and openly about historical and ongoing injustice.

While some audience members may disagree with or feel uncomfortable about such commentary, that disagreement should not expose Elders, Cultural leaders or Community organisations to investigation before a defence is applied and the context is understood.

Uncertainty in drafting may discourage public cultural expression and truth-telling, bringing uncertainty to the future of participation and performance by First Nations individuals and groups, and impacting Australia's identity and unique Cultural heritage.

I note the tight timing of consultation and tomorrow's deadlines means very few people have been meaningfully consulted, and in this case, we have not been able to undertake the proper consultation required for First Nations Communities to be able to input their concerns. Note a key recommendation from First Nations Communities in 2024, submitted by [Ausdance QLD to Creative Australia \(federal\)](#), required adequate and authentic direct consultation with First Nations Communities.

4. National Context

Section 18D of the *Racial Discrimination Act 1975 (Cth)* provides explicit protection for artistic works, academic activity and genuine public interest commentary undertaken reasonably and in good faith. This clarity allows the Commonwealth framework to distinguish between hate conduct and lawful expression. Queensland's legislation would benefit from similar precision.

5. Recommendations

To ensure proportionality and clarity, I respectfully recommend the **inclusion of an explicit statutory exemption** for:

- Artistic works and performance

- First Nations Cultural Ceremony and Traditional Cultural practices
- Academic and educational activity
- Genuine political and historical commentary undertaken in good faith

Such an amendment would protect lawful cultural expression while preserving the Bill's central purpose.

We also recommend **greater time consideration be given to address the significant range of concerns and unintended consequences** of the current drafting.

Ausdance National appreciates the Committee's consideration of these matters and would welcome further engagement.

Yours sincerely,

Julie Englefield

President (Interim)

[Redacted signature block]

ausDANCE.

Australian Dance Council, Ausdance Inc.

PO Box 45, Braddon ACT 2614

ABN 952977217106