

Submission: Justice Miscellaneous (Prohibited Symbols and Protection of Worship) Bill 2026

1. Overview

COTA Tasmania welcomes the opportunity to comment on the *Justice Miscellaneous (Prohibited Symbols and Protection of Worship) Bill 2026*.

COTA Tasmania is the peak body representing older Tasmanians. Our interest in this consultation is grounded in the right of all people, including older Tasmanians, to live safely and participate fully in community life without intimidation, harassment or hate-based conduct.

Many older Tasmanians maintain strong connections with faith communities and may attend worship, religious education, social activities and other community gatherings organised through those communities. For some, these connections are particularly important in maintaining social participation, cultural identity, informal support and wellbeing.

COTA Tasmania therefore supports the Bill's overall purpose of strengthening protections against antisemitism, other hate-based conduct, intimidation and interference with religious worship and places of worship.

In particular, we support:

- the expansion of prohibitions on the public display of symbols associated with Nazi ideology, terrorist organisations, recognised hate groups and state sponsors of terrorism;
- the retention of clear exemptions for legitimate academic, artistic, religious, cultural, educational, legal, journalistic and anti-hate purposes;
- the broader definition of “religious assembly”, which appropriately recognises that faith-based participation extends beyond a formal worship service; and
- specific protections for people arriving at, leaving or gathering in connection with religious assemblies, as well as protections for places of worship themselves.

2. About COTA Tasmania

COTA Tasmania is the leading advocacy and policy organisation for older Tasmanians. We work to advance the rights, interests and wellbeing of people as they age, and to ensure that older Tasmanians' voices and experiences inform government policy, legislation, services and community decision-making.

Our work is informed by engagement with older people across Tasmania through consultations, surveys, community conversations, our Policy Council, and partnerships with government, community organisations and service providers.

COTA Tasmania advocates for an inclusive Tasmania in which people can age with dignity, safety, connection and confidence; participate in the communities and activities that matter to them; and exercise their rights without discrimination, intimidation or exclusion.

3. Why this matters

For many older Tasmanians, faith communities are an important source of connection, identity, friendship, practical support and meaning. Participation may include worship services, religious education, cultural observance, volunteer activities, social gatherings and pastoral care.

These activities can be especially important for people who may otherwise experience isolation, bereavement, declining mobility, reduced access to transport, or fewer opportunities for regular social contact. Feeling safe when travelling to, arriving at, leaving and participating in these activities is therefore central to maintaining wellbeing and community participation.

Hate-based conduct, intimidation, harassment and threats directed at people because of their religion can have impacts well beyond an individual incident. They may cause people to withdraw from community life, avoid public places or gatherings, and feel unsafe in their own neighbourhoods. Older people who have experienced discrimination, persecution or conflict earlier in life may be particularly affected.

COTA Tasmania supports measures that enable people to attend religious assemblies and access places of worship without fear of intimidation or harassment. At the same time, it is important that the law is carefully framed so that it targets harmful conduct without unnecessarily restricting legitimate, peaceful protest and public expression.

4. Detailed comments

4.1 A clear physical boundary is needed to protect both worshippers and legitimate public protest

COTA Tasmania supports protection from conduct intended to obstruct, intimidate, menace or harass people arriving at, leaving or attending a religious assembly.

However, the Bill uses terms such as “near premises or a location” without defining the relevant physical area. This creates uncertainty for worshippers, police, protest organisers and members of the public. It may also create an unintended risk that lawful and peaceful public protest is restricted more broadly than necessary.

The Bill should make clear that the relevant protection is directed to conduct that obstructs, intimidates, menaces or harasses people attending a religious assembly. It should not be interpreted as creating a general exclusion zone around places of worship or preventing peaceful protest that does not involve such conduct.

We recommend that the Bill define a clear and limited area around a place of worship or religious assembly for the purposes of the relevant offences. A distance of approximately 20 metres from the relevant entrance, exit or usual access point be considered as a practical starting point. Any distance adopted should be sufficient to protect safe access while remaining proportionate to the circumstances of the site and preserving space for legitimate peaceful protest and public expression.

COTA Tasmania would not support an excessively broad exclusion zone. In densely developed areas, particularly central Hobart, a larger distance such as 50 metres could effectively prevent lawful protest in substantial parts of the city on days when worship services are being held.

Any defined zone should therefore be tightly connected to the purpose of preventing targeted intimidation, obstruction or harassment of people attending worship, rather than operating as a general restriction on protest in the surrounding area.

4.2 Implementation must be practical, accessible and community-based

The effectiveness of these reforms will depend substantially on whether people understand their rights and know how to seek assistance.

The Government should support the legislation with accessible public information for religious communities, community organisations and the wider public.

This should include plain-English material explaining the new protections, what conduct may constitute an offence, how incidents can be reported and what support may be available to people who experience intimidation or harassment.

Information should be accessible to older people, including those who are not confident online, have limited digital access, live in rural or regional areas, or require information in alternative formats.

4.3 Police and frontline personnel should receive appropriate training

The proposed offences will require careful and consistent application, particularly where conduct occurs in public places, around protests, or involves competing rights and sensitivities.

Training and operational guidance should assist police and other relevant frontline personnel to recognise hate-based intimidation; respond appropriately to people who may be distressed, frightened or vulnerable; distinguish unlawful conduct from legitimate peaceful protest or expression; and apply the Bill's public-interest and legitimate-purpose safeguards consistently.

This is particularly important for older people who may be less confident in engaging with police or reporting an incident, and who may experience intimidation as a significant barrier to continuing participation in community activities.

4.4 Consultation with affected communities

Before the legislation commences, the Government should consult with faith communities, multicultural organisations, civil-liberties bodies, protest organisers, police and relevant community organisations on practical guidance for implementation.

This would assist in ensuring that the new provisions are understood, applied consistently and achieve their intended protective purpose without unintended consequences for lawful public activity.

4.5 The exercise of search, seizure and direction powers should be proportionate and transparent

COTA Tasmania recognises the need for effective enforcement powers. However, the proposed powers to direct removal of a prohibited symbol, search persons, vehicles and premises, and seize objects should be exercised proportionately and with clear safeguards.

We recommend that the Government ensure there is transparent operational guidance about the use of these powers, including record-keeping requirements, supervisory oversight and clear information for affected individuals about their rights and avenues for complaint or review.

This will help maintain public confidence while ensuring that the legislation is directed to genuinely harmful conduct.

4.6 Monitor the operation and impact of the reforms

Given the breadth of the proposed amendments and the importance of balancing community safety, religious freedom and civil liberties, COTA Tasmania recommends that the Government commit to reviewing the operation of the reforms after an appropriate period.

The review should consider the number and nature of incidents reported, use of police powers, prosecution outcomes, any unintended effects, and the experiences of affected religious and community groups. Consultation with multicultural, faith, disability, older persons and civil-liberties organisations should form part of that review.

5. Conclusion

COTA Tasmania supports the objective of ensuring that people can participate in faith-based community life and access places of worship without fear of intimidation, harassment, hate-based conduct, or interference.

The legislation should also clearly protect lawful public protest and expression. Defining a modest, purpose-specific buffer area around entrances and access points would provide greater certainty for everyone and help ensure the legislation is both effective and proportionate.

With accessible public education, appropriate training, proportionate enforcement, and transparent monitoring, the proposed reforms can make a meaningful contribution to safer and more inclusive communities for older Tasmanians and the wider Tasmanian community.