

**Submission
No 115**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Name: Dr Matthew Jennings

Date Received: 12 January 2026

COVER NOTE

(Post-submission correspondence)

To:

The Secretary
NSW Parliamentary Committee on Law and Safety

From:

Dr Matthew Jennings
Osteopath and Independent Writer on Law, Human Rights, and Democratic Governance

Date: 12 January 2026

Re: *Post-submission addendum arising from the announcement of a Commonwealth Royal Commission*

Dear Secretary,

I write to provide a brief post-submission addendum to my submission to the Committee, prompted by a material development.

On 8 January 2026, the Commonwealth Government announced the establishment of a **Royal Commission into Antisemitism and Social Cohesion**, with Terms of Reference that substantially overlap with the subject matter of this Committee's inquiry, including issues of incitement, prevention, institutional thresholds, and law enforcement capability.

This addendum does **not** seek to reopen or amend my original submission. Rather, it respectfully draws the Committee's attention to a **procedural and governance risk** that now arises as a result of this development: namely, the risk that **premature legislative reform at the Commonwealth level may pre-empt or undermine the Royal Commission's examination of whether existing legal frameworks structurally required waiting until harm became imminent.**

Given the Committee's focus on public safety, prevention, and legislative adequacy, I considered it appropriate to place this concern on the record for the Committee's awareness.

The enclosed addendum is brief, confined to this issue, and offered in the interests of ensuring that both inquiries are able to perform their respective functions without unintended interference.

Thank you for your consideration.

Yours sincerely,


Dr Matthew Jennings

Internal Cover Note

Post-Submission Addendum

Inquiry into Measures to Prohibit Slogans that Incite Hatred and Threaten Community Safety

Submitted by

Dr Matthew Jennings

Independent writer on law, human rights, and democratic governance

NSW Parliamentary Committee on Law and Safety

12 January 2026

Purpose of this document

This document is provided as a post-submission addendum following the announcement of a Commonwealth Royal Commission into Antisemitism and Social Cohesion on 8 January 2026.

It does not amend or supplement the factual content of the author's original submission. It is confined to identifying a **specific procedural and governance risk** that has arisen, namely the risk that premature legislative reform may pre-empt or undermine the Royal Commission's examination of whether existing legal thresholds structurally required waiting until harm became imminent.

This addendum is provided to assist the Committee in considering the interaction between legislative reform, prevention, and independent inquiry.

Contents

1. Internal Cover Note (Purpose and Scope)
 2. Post-Submission Addendum
-

Scope and limitations

This document:

- does not seek to reopen submissions,
- does not introduce new evidence,
- does not comment on the merits of specific draft legislation, and
- does not duplicate material already before the Committee.

Its purpose is procedural and preventive.

POST-SUBMISSION ADDENDUM

Addendum

Inquiry into Measures to Prohibit Slogans that Incite Hatred and Threaten Community Safety

Submitted by

Dr Matthew Jennings

Independent writer on law, human rights, and democratic governance

NSW Parliamentary Committee on Law and Safety

January 2026

Post-Submission Note on the Interaction Between Legislative Reform and the Commonwealth Royal Commission

1. Purpose of this Addendum

This addendum is provided in light of the announcement of a Commonwealth Royal Commission into Antisemitism and Social Cohesion.

Its purpose is to highlight a **governance and sequencing risk** that arises when legislative reform is contemplated or advanced **while an independent Royal Commission is underway**, particularly where the Commission's Terms of Reference include examination of:

- the *nature and prevalence* of antisemitism,
- its *key drivers*,
- the adequacy of existing legal and institutional frameworks,
- and recommendations for law enforcement, border control, and security agencies.

This note does not advance new evidence. It identifies a structural issue relevant to the Committee's consideration of prevention, law design, and institutional coherence.

2. The Risk of Pre-Emptying Inquiry

Royal Commissions are established to examine whether existing systems were **capable of prevention**, not merely to document harm after the fact.

Where governments proceed to legislate new hate-speech or incitement laws **while such a Commission is underway**, there is a real risk that:

- the inquiry's examination of whether existing legal thresholds *structurally required waiting* is foreclosed,
- the Commission is left assessing a framework that has already been politically settled,
- and independent inquiry is converted into retrospective justification.

This is not a question of motive. It is a question of **process integrity**.

Once reform is enacted, the central question "did the law require waiting?" risks being reframed as "how do we implement the new law?", thereby narrowing the scope of genuine scrutiny.

3. Why Sequence Matters

In other serious risk domains, domestic violence, child protection, aviation safety, workplace regulation, Australia has learned that **waiting costs lives**. In each of those areas, reform followed independent inquiry into whether thresholds were set too late.

Extremism and incitement have historically been treated differently. Authorities may monitor, assess, and warn, yet are often advised that the law does not permit early intervention until risk becomes imminent.

If that design feature is not examined **before reform**, the opportunity to understand why escalation was tolerated by design is lost.

The issue is therefore not whether reform should occur, but **when**.

- Inquiry first.
- Threshold analysis first.
- Reform second.

That sequence preserves public confidence, protects the independence of the Commission, and avoids repeating the pattern of aspirational response followed by delayed correction.

4. Relevance to “Nature and Prevalence”

The Commonwealth Royal Commission’s Terms of Reference expressly include examination of the *nature and prevalence* of antisemitism.

In accepted inquiry and risk-analysis practice, prevalence is not assessed solely by counting incidents. It requires examination of:

- dominant manifestations,
- patterns of repetition,
- amplification and normalisation,
- audience reach,
- and institutional response (or lack thereof).

If repeated, ideologically framed incitement was tolerated because it fell below legal thresholds, **framework adequacy becomes unavoidable**.

This is not expansion of scope. It is faithful execution of scope.

Legislating in advance risks obscuring that analysis.

5. Implications for Public Confidence and Social Cohesion

Public confidence in Royal Commissions depends on the perception that:

- outcomes are not predetermined,
- evidence is tested openly,
- and reform flows from findings, not convenience.

If legislative outcomes appear settled before inquiry concludes, trust erodes — particularly among communities already carrying fear and grievance.

Social cohesion is not strengthened by speed alone. It is strengthened by **credibility**.

6. Closing Observation

This addendum is offered respectfully and procedurally. It does not argue against reform. It argues for **discipline in sequence**, so that inquiry can fulfil its preventive purpose.

Allowing independent scrutiny to occur first is not delay. It is good governance.