

**Submission
No 5**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

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Date Received: 30 December 2025

Dear Committee Members

I welcome the opportunity to make this submission regarding proposed measures to prohibit slogans alleged to incite hatred, including the phrase “*globalise the intifada*.”

This submission argues that prohibiting political slogans—particularly those used in peaceful protest—would undermine social cohesion, erode democratic freedoms, and risk discriminatory outcomes. Such measures would be inconsistent with the implied freedom of political communication under the Australian Constitution and unnecessary given existing legislative frameworks.

Far from protecting community safety, banning slogans risks inflaming tensions, silencing marginalised communities, and setting a dangerous precedent for the suppression of political expression.

Community Cohesion, Safety, and Social Harmony

Community cohesion is not strengthened by suppressing political expression; it is strengthened by allowing grievances to be aired peacefully and openly.

There is no credible evidence that the use of the phrase “*globalise the intifada*” at peaceful protests in Australia has caused violence or posed a genuine threat to public safety. The phrase has been used overwhelmingly in the context of non-violent demonstrations advocating freedom, self-determination, and opposition to occupation and oppression.

Suppressing slogans that articulate political resistance risks pushing dissent underground, where frustration may grow unchecked. Open democratic expression—particularly through peaceful protest—is one of the most effective safeguards against social unrest.

Preventing Incitement Without Prohibiting Political Speech

Australia already possesses a robust legal framework to address genuine incitement to violence, intimidation, or hatred. Laws should target **conduct and intent**, not words in isolation.

Banning slogans based on subjective interpretations or political pressure risks overreach and arbitrariness. A slogan cannot be deemed “inherently hateful” without reference to:

- Context
- Intent
- Manner of use
- Whether it directly and realistically incites violence

A blanket prohibition on slogans fails this test and risks criminalising lawful political expression.

Protecting Communities from Hatred, Intimidation and Violence

All communities in Australia deserve protection from hatred and violence. However, this protection must be applied consistently and without privileging one group’s sensitivities over another’s lived experiences.

Palestinian, Arab, Muslim, and allied communities have the same right to political expression as any other group. Restricting their language—particularly language tied to their history, identity, and struggle—does not protect community harmony; it marginalises already vulnerable communities.

The word “*intifada*” in Arabic literally means “shaking off” and has been used historically to describe resistance, civil disobedience, and popular mobilisation. Treating the word itself as inherently violent—without regard to its linguistic and cultural meaning—risks discriminatory outcomes and contributes to racialised double standards.

International Examples and the United Kingdom

International experience, including in the United Kingdom, demonstrates that attempts to restrict political slogans often lead to legal uncertainty, inconsistent enforcement, and heightened community tensions.

Courts in comparable jurisdictions have repeatedly emphasised that political speech—especially speech that challenges power structures or foreign policy—requires a high threshold before restriction. Where restrictions have been attempted, they have frequently been criticised for chilling free expression and disproportionately targeting minority communities.

Australia should learn from these experiences and avoid importing flawed approaches that undermine civil liberties.

The Australian Constitution and Implied Freedom of Political Communication

The implied freedom of political communication is a cornerstone of Australia’s constitutional system. Political slogans used in protests—particularly those addressing international conflicts, human rights, and government policy—lie at the very heart of protected political communication.

Any restriction must be:

1. **Suitable** to achieve a legitimate objective
2. **Necessary**, meaning no less restrictive alternative exists
3. **Adequate in balance**

A prohibition on slogans fails this test. Existing criminal and civil laws already address incitement and violence. Additional bans are neither necessary nor proportionate.

Existing Offences and Legislative Measures

Commonwealth and New South Wales legislation already criminalise:

- Incitement to violence
- Threatening or intimidating conduct
- Hate crimes and public disorder

Rather than expanding prohibitions into the realm of speech, governments should focus on enforcing existing laws consistently and fairly. Creating new offences targeting slogans risks duplication, confusion, and selective enforcement.

Broader Concerns: Selective Silencing and Democratic Integrity

Public confidence in democratic institutions is undermined when political speech is curtailed in response to pressure from particular interest groups rather than objective legal standards.

Australia must resist the temptation to police political language based on geopolitical sensitivities. A fair and comprehensive approach requires defending the rights of **all** communities to express their political views—especially when those views concern oppression, occupation, and human rights.

In conclusion, prohibiting slogans such as “*globalise the intifada*” would:

- Undermine democratic freedoms
- Disproportionately impact marginalised communities
- Fail to improve community safety
- Conflict with constitutional principles
- Set a dangerous precedent for political censorship

Peaceful protest slogans are not acts of violence. They are expressions of political belief, historical memory, and collective aspiration. Protecting social cohesion requires more speech, not less—and justice, not silence.

I urge the Committee to reject any proposal to prohibit political slogans and instead reaffirm Australia’s commitment to free expression, equality before the law, and genuine community cohesion.

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