

**Submission  
No 13**

## **MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED**

**Organisation:** Shoalhaven Friends of Palestine  
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## Shoalhaven Friends of Palestine

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### **Submission to the NSW Committee on Law and Safety – Inquiry into “Measures to prohibit slogans that incite hatred”.**

**Shoalhaven Friends of Palestine** thanks the Committee for the opportunity to contribute to this inquiry. We write as a community organisation dedicated to human rights, peace, and justice in Israel-Palestine. We are deeply concerned that the proposed measures prompted by the phrase “*globalise the intifada*”, unjustly target pro-Palestinian advocacy and peaceful protest. We oppose the proposed legislation on the grounds that it risks criminalising political speech and dissent critical of Israel’s conduct in Gaza, conduct that international observers have described as genocide, while doing little to genuinely curb incitement to violence. It should be noted that in our two years of attending protest demonstrations throughout Australia, we have never heard the phrase “globalise the intifada” mentioned.

Shoalhaven Friends of Palestine believes that this inquiry by the Mims Government is a massive deflection from the real problem which is the ongoing Genocide in Gaza, and the ethnic cleansing which is occurring on the Westbank.

We call for a NSW and Federal Royal Commission into the extent of foreign government aligned lobbying and influence operating within Australia’s Parliament, political parties, media organisations, and public institutions, including influence linked to the State of Israel and the United States of America.

Such influence, when unchecked, undermines Australia’s sovereignty, distorts democratic decision making, and erodes public trust in government. Australians have the right to know whether policy, public narratives, and institutional priorities are being shaped to advance the interests of a foreign state rather than the national interest.

The outcome sought is full transparency, enforceable limits on foreign influence, and robust safeguards to ensure Australia’s law, policies, and public institutions serve Australia alone.

The following submission addresses each term of reference (a-g) and proposes an alternative framework that protects communities from actual hatred and violence without eroding fundamental democratic freedoms.

#### **Our Purpose:**

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### a. “Globalise the Intifada” – Threat to Community Cohesion and Safety?

The inquiry’s first term asks about “*the threat that the use of phrases like ‘globalise the intifada’ poses to community cohesion and safety and the importance of maintaining social harmony and cohesion.*” In our view, the threat posed by this slogan has been **overstated and mischaracterised**, in ways that risk undermining social cohesion rather than preserving it.

**Understanding the Phrase:** The slogan “*globalise the intifada*” emerged in pro-Palestinian protests as a rallying cry of solidarity and resistance to oppression. *Intifada* literally means “*uprising*” or “*resistance*,” referring to Palestinian uprisings against Israeli occupation. For Palestinians and their supporters, the term signifies a call for **resistance against oppression**, not an indiscriminate call for violence. Indeed, human rights advocates interpret “*globalising*” it as urging people worldwide to stand up against apartheid and humanitarian atrocities, **not** to attack Jewish communities.

However, some commentators have framed the phrase in the most extreme terms: for example, a NSW Jewish community leader has claimed “*globalise the intifada*” is effectively a call to “*kill Jews wherever you find them*”. This interpretation is **strongly disputed**. In the UK, the director of the Palestine Solidarity Campaign flatly stated that “*uttering the word ‘intifada’ was not a call for violence*” and condemned moves to ban the chant as “*political repression of protest for Palestinian rights*”. In short, “*globalise the intifada*” is a **political slogan subject to differing interpretations**, it is not an incitement to murder.

**Lack of Evidence of Harm:** The Government has presented no concrete evidence that this slogan has caused *any* violence or harmed community safety in NSW. The tragic terrorist attack at Bondi Beach on 14 December 2025, which killed 15 people, is cited as a rationale for the crackdown on this phrase. Yet law enforcement and security officials have indicated that the Bondi attackers were **inspired by ISIS**, not motivated by local protest slogans. ASIO and police had been monitoring one of the attackers since 2019, finding “*no indication of any ongoing threat or [of] him engaging in violence*” prior to the attack.

There is **no evidence** linking the “*intifada*” chant or pro-Palestine rallies to this horrible crime. On the contrary, prominent members of the Jewish community have cautioned against conflating peaceful protests with the acts of terrorists: it is “*outrageous*” that the pain of the Jewish community would be “*used to shut down a movement opposing genocide*” (in the words of one Jewish community advocate) since “*the protests had nothing to do with the attacks*”.

**Community cohesion** is not truly threatened by the slogan itself; rather, it is threatened when one segment of the community perceives that their right to protest and express anguish over a humanitarian catastrophe is being suppressed.

**Impact on Social Harmony:** Banning a slogan closely associated with Palestinian identity and resistance would likely **damage social harmony**. It would send a message to the Palestinian, Arab and Muslim communities and their supporters that their forms of expression are uniquely censored and criminalised. Such perceived targeting fosters alienation and resentment, undermining the “*social*

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*harmony and cohesion*” that the Committee rightly seeks to maintain. In contrast, allowing passionate but peaceful political expression provides a “*release valve*” for grievances and invites dialogue. We note the wise words of the NSW Council for Civil Liberties: “*You cannot arrest your way into social cohesion.*” Silencing a popular protest chant will not eliminate hate or extremism; it will merely drive political dissent underground, potentially fuelling greater mistrust between communities and authorities.

**Double Standards and One-Sided Focus:** We must also consider whether focusing on this slogan is a one-sided approach that ignores other threats to cohesion. If the goal is to curb incitement and hate, it should apply even-handedly. Yet we have seen stark double standards. For instance, **inflammatory rhetoric from certain pro-Israel or far-right figures has not prompted similar legal sanction.** A striking example is the [REDACTED]: media reports revealed he had “*encouraged Israeli soldiers to continue the war of genocide against the Gaza Strip*” during a recent visit to Israel even having photos taken with a bomb he had signed destined to be dropped in the Gaza strip. This explicit exhortation of violence against Palestinians, essentially cheering on what the UN and World Court have called Genocide, did not attract any hate-speech prosecution or official censure.

In summary, “*globalise the intifada*” is not an existential threat to community safety in and of itself. Misuse of the slogan to directly incite violence is already unlawful, but **banning the phrase outright would be a cure worse than the disease.** Social cohesion is protected by encouraging open dialogue and addressing the root causes of tensions, not by criminalising the rallying cries of a community that is expressing anguish at what is happening to their brethren.

### **b. Preventing the Use of Hateful Slogans - Avoiding Overreach**

The second term of reference asks, “*how best to prevent the use of phrases that are so inherently hateful by their nature that they lead to incitement of hatred and threaten community safety.*”

We respectfully submit that **banning the phrase in question is not the best way** to achieve this goal. Instead, the focus should be on **narrowly targeting genuine incitement** and **addressing hatred through education and dialogue**, rather than broad, vague prohibitions that will kill legitimate speech.

**Questioning the Premise:** First, we question whether “*globalise the intifada*” truly is “*so inherently hateful by [its] nature*” as to inevitably “*lead to incitement of hatred.*” As discussed above, reasonable people, including within the Jewish community, **disagree on the slogan’s meaning** and intent. Unlike an unambiguous abroad ethnic slur or a direct call like “*kill [a group],*” this phrase is **political rhetoric**; emotive and controversial, yes, but not *inherently* a statement of hatred toward a protected group. In fact, it can be understood as calling for a *global uprising against injustice*, not against any ethnicity or religion per se. If the Government believes otherwise, it should bear the burden of clearly demonstrating the causal link between the words and incitement to violence, which so far has not been evidenced. Preventing the use of any phrase must be approached with extreme caution in a democracy, as it amounts to **content-based censorship** of speech.

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**Existing Legal Thresholds:** Under both Australian and international law, not all offensive or disturbing speech can be or should be censored, only that which crosses the line into *incitement of actual harm*. The International Covenant on Civil and Political Rights (ICCPR), to which Australia is party, requires that any restrictions on freedom of expression be “*provided by law*” and “*necessary*” for legitimate aims like public order or the protection of others’ right. It also specifically obliges prohibition of “*any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence*”. We fully support this principle: **true incitement to violence or hatred has no place in our society**. But the key word is “*constitutes incitement*”. **Mere advocacy of a cause, even a militant-sounding cause, is not incitement unless it explicitly or intentionally urges people to imminently harm others.**

Law enforcement and prosecutors in other jurisdictions have recognised this distinction. For example, the UK Crown Prosecution Service had advised police that many controversial protest slogans, even if they cause fear in some observers – “*don’t meet prosecution thresholds*” for incitement or hate speech.

This reflects a judicious reluctance to criminalise speech absent a clear and direct menace.

**Best Practices in Prevention:** The **best way to prevent genuinely hateful, violence-inciting phrases** from taking root is to combine **targeted legal action** with **community measures**, rather than sweeping bans on political slogans. We outline a few components of a sound approach:

- **Enforce Existing Incitement Laws:** When individuals at protests cross the line, for instance by explicitly calling for violence against a particular group, or directly threatening people, police should use the ample powers already available (see Section (f)) to move in, warn, and if necessary, charge those individuals under incitement or public order laws. This addresses the problem actors, rather than criminalising an entire slogan irrespective of context or intent. It appears this was the initial approach of NSW authorities, who have noted that chanting “*globalise the intifada*” “*may already be in breach of existing hate speech laws*” in some circumstances. If so, then **new legislation may be redundant**, the task is one of enforcement with proper regard to evidence and intent.
- **Clear and Specific Definitions:** Any measure purporting to ban hateful phrases must define *incitement* with precision. Vague terms breed overreach. As legal experts have urged, we need “*clear legal boundaries, defining criminal ... hatred versus protected speech*”. Simply deeming a slogan “*hateful by nature*” is not a sufficiently clear standard. We risk prosecuting people for **expressions that may be unpopular or upsetting but fall short of actually urging harm**. For example, is shouting “*From the river to the sea, Palestine will be free*” to be banned next – as some have hinted, even though it too can be understood as a political call for justice? The Premier declined to “*prejudge*” that question, underscoring the slippery slope. A better approach is to **codify a high threshold**: only phrases **used with the intent to provoke others to imminent violence** or **which a reasonable person would understand as a direct call for violence** should be punishable. Everything less should be addressed by non-criminal interventions, public denunciation, counter-speech, etc., not by arrest and prosecution.
- **Community Engagement and Education:** Law alone cannot scrub hateful ideas from society. The Committee should consider recommendations for community-driven programs to address

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the *underlying sentiments* that give rise to harmful slogans. This includes interfaith and intercultural dialogues, educational campaigns about the dangers of antisemitism **and** Islamophobia/racism and providing platforms for peaceful expression of grievances. If young people are chanting extreme phrases, engage them, find out why, explain the impact words can have, offer alternative outlets for their anger or concern. **Repression without engagement can backfire**: as UN experts have noted in the context of Palestine activism, heavy-handed crackdowns can drive protesters to desperation, evidenced by hunger strikes and escalating frustration when they feel unheard. Better to keep communication channels open. Maintaining social harmony is as much a social challenge as a legal one. Government and community leaders should be modelling balanced, respectful discourse, condemning any genuine hate on either side, while affirming the **legitimacy of peaceful protest** on contentious issues.

- **Avoid Knee-Jerk Legislation**: We urge the Committee to heed the warning of the Human Rights Law Centre, which observed that rushed, “*kneejerk laws*” passed “*without proper community consultation*” are likely to be ineffective or unjust. Hateful rhetoric is a serious concern, but we must respond with level heads and a long-term strategy, not just react to the **emotions of the moment**. The best preventive measures will be those developed in collaboration with affected communities, including Jewish and Palestinian representatives, so that any solutions have broad buy in and do not fuel further grievance.

In summary, to **prevent truly dangerous slogans** from taking hold, we don’t necessarily need new blanket bans. We need to enforce *targeted* laws against incitement, maintain **dialogue with communities**, and apply **consistent standards** regardless of the source of hateful speech. Casting too wide a net, criminalising a slogan used by thousands of peaceful protesters, will trap a great deal of legitimate expression and likely violate our free speech principles, without actually stopping the tiny fraction of speech that is genuinely aimed at inciting violence.

### **c. Protecting Communities from Hatred, Intimidation and Violence**

We share the Committee’s concern in term (c) about “*the need to protect communities from hatred, intimidation and violence.*” Every community in NSW, Jewish, Muslim, Arab, or otherwise, has the right to live in peace and safety, free from harassment. The question is how to **achieve that protection while upholding our democratic values**.

We submit that the proposed approach, banning certain slogans and broad protest crackdowns, is *misdirected*. It targets **symptoms rather than root causes**, and in doing so, risks **neglecting or even exacerbating other threats** to community safety.

**Condemning All Hate and Violence**: Let us state unequivocally: we condemn antisemitism and all forms of hate or violence directed at individuals because of their identity. The fear that many Jewish Australians feel in the wake of the Bondi attack and other incidents is real and must be addressed. **Likewise**, we must condemn, and combat hatred directed at Palestinian, Arab, or Muslim Australians, who in the current climate have also faced vilification and threats, which often receive far less media attention. Protecting communities from hate cannot be a **zero-sum game**; we need to protect *all*

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communities. This means our laws and leaders should confront *far-right and racist extremism* with the same zeal as they confront anti-Jewish bigotry, something that some Jewish leaders themselves have pointed out. Max Kaiser of the Jewish Council of Australia recently questioned *“the focus on the pro-Palestine movement when ‘there exists very real sources of antisemitism on the far right, including neo-Nazis’”*. We strongly agree: Neo-Nazi and white supremacist hate poses a known lethal threat, these groups have targeted synagogues and mosques alike in the past. Any legislative response that narrowly concentrates on pro-Palestinian protests but ignores the **broader landscape of hate** could leave communities *less safe*, by diverting attention and resources away from where the most serious dangers lie.

**Misdirection of Policy:** Unfortunately, the current proposal appears driven more by political pressure than by a sober assessment of security needs. We note that officials have explicitly linked pro-Palestine demonstrations to the Bondi terror attack, claiming *“we can’t risk another mass demonstration ... the implications can be seen ... on Sunday”*, despite no evidence that the peaceful rallies caused the violence. This narrative, if unchallenged, could justify virtually any suppression of protest in the name of public safety. It *“wasn’t consistent with community harmony,”* Premier Minns said of even the large, peaceful Sydney Harbour Bridge march in August. But community harmony cannot mean the **absence of visible dissent**. True harmony comes from justice and mutual respect, not the forcible silencing of one community’s plea for humanity.

We are also alarmed by rhetoric framing pro-Palestinian protest as a gateway to violence. For example, the President of the NSW Jewish Board of Deputies asserted that calls to *“globalise the intifada”* had *“slowly built up to acts of violence which last night took life”*. This is a **serious accusation**, essentially blaming protesters for the acts of terrorists. It has been **refuted by voices within the Jewish community** who acknowledge that the Gaza solidarity protests *“had nothing to do with the attacks”*. We caution that **such accusations, if adopted in policy, would unjustly demonise an entire segment of the public** and could fuel more hatred, against Palestinians and Muslims, under the false belief that they are all potential terrorists. Protecting one community, Jewish Australians, **must not come at the cost of vilifying another, Palestinian/Muslim Australians**. That path leads to *more* social fragmentation and resentment, not less.

**The Risk of Overreach:** The NSW Council for Civil Liberties has described the recent protest-suppression measures as *“extraordinary”* and warned that they *“severely [threaten]”* the right to dissent. Why is this relevant to protecting communities from intimidation? Because an over-broad crackdown can itself become a tool of **intimidation against minority communities**. When police are empowered to ban protests for months on end, or to arrest people for slogans, those powers may be disproportionately used against already marginalised groups. We have seen this historically and internationally: broad security laws meant to protect against “extremism” often end up being used to survey, harass or stifle the very communities most in need of voice and protection.

We draw the Committee’s attention to the perspective of Principal Solicitor Peter O’Brien, who led the Supreme Court challenge against the earlier anti-protest law. He noted that *“religious institutions quite often have links to power, and so they are quite often legitimately the target of protest. Who commonly*

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*protests outside churches and other places of worship? The marginalised, victims of abuse, those whose voices have been silenced... Peaceful protest in public occupies a precious status in our society.*" This insight applies broadly: those who protest, whether outside a church about abuse, or outside a government building about war crimes in Gaza, are often the **powerless seeking justice**. We must be very careful that laws aimed at protecting communities from hate do not **shut down the voices of the vulnerable**. Silencing protest is not protection, it is a form of *institutionalised intimidation*.

Imagine a young Palestinian-Australian who sees family members suffering or killed in Gaza, and who takes to the streets chanting for intifada as a metaphor for resistance. If we label her a criminal hater, we not only silence her pain, but we also send a message to her whole community that their experiences and views are beyond the pale. That is a dangerous message. As Mr. O'Brien put it, an "effective ban" on protests in certain spaces is "*absolutely unprecedented... It is extreme... [This] is about protecting the rights of individuals against disproportionate state power.*". We agree, **overreach in the name of security is counterproductive**. It breeds alienation, erodes trust in law enforcement, and ultimately makes everyone less safe.

**International Human Rights Obligations:** Protecting communities from hatred and violence is not only a domestic priority, but an international legal obligation. We note that Article 20 of the ICCPR requires Australia to prohibit *incitement to discrimination or violence* against any group. At the same time, the ICCPR, Articles 21 and 22 protects the rights to peaceful assembly and association, allowing restrictions only if strictly necessary and proportionate to a legitimate aim.

The UN Special Rapporteurs have specifically **warned against conflating political protest with terrorism or threats**. In a December 2025 statement, a group of UN human rights experts urged authorities to avoid "*the criminalisation of conduct that falls within the protected exercise of the rights to freedom of assembly, association, and expression,*" and to refrain from suppressing "*legitimate political dissent, including advocacy related to Palestine*". These international standards underscore that while we must combat hate, we **must not treat peaceful advocacy or symbolic slogans as if they were violent intimidation**.

**Distinguish Protest from Hate:** To truly protect communities, it is vital to **distinguish between hateful intimidation and passionate protest**. Chants such as "*Free Palestine*" or even "*globalise the intifada*", shouted in our streets, **do not equate to threats against Jewish Australians** in and of themselves. They are cries against Israeli state actions. By contrast, if someone were to shout "*Death to Jews*" or target Jewish individuals with abuse, that is **hatred and intimidation**, and should be vigorously prosecuted under existing laws.

The law already draws this line: for instance, Australia's criminal law, NSW Crimes Act, Part 3, Division 3, prohibits serious vilification and violence inciting conduct on racial or religious grounds. Those provisions should be enforced to the fullest against any person who harasses or menaces members of the Jewish community or any community.

However, It would be a grave mistake to treat **anti-Zionism or anti-Israeli-government speech as**

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**if it were the same as antisemitism.** They are not the same and conflating them would not protect Jewish people, it would only suppress vital debate about international justice. Even some pro-Palestinian slogans have been hysterically misinterpreted by certain lobby groups, for example, civil society groups report that some have tried to label the chant *“From the river to the sea, Palestine will be free”* or even *“Free, free Palestine”* as *“a call for genocidal slaughter of Jewish people.”*

This is plainly not what those chants mean; one need only look at who is chanting them, a diverse crowd including many Jews of conscience, to know that. We must ensure our policymakers are not listening solely to the most alarmist voices. As Ben Jamal of PSC observed, it is *“deeply problematic”* if only those who *“have maintained complicit support for Israel’s oppression of the Palestinian people”* get to interpret slogans used *“to support the liberation of the Palestinian people.”* To protect communities, **we must protect both Jewish Australians from real antisemitism and Palestinian/Muslim Australians from having their cause unfairly tarred as hate.**

Finally, protecting communities from violence absolutely includes protecting the Palestinian people, abroad and at home, from mass atrocities. We note that world bodies are increasingly recognising the **gravity of Israel’s actions in Gaza.** The International Court of Justice, in January 2024, ordered provisional measures requiring Israel to *“prevent genocide”* against Palestinians in Gaza and to *“prevent and punish incitement to commit genocide.”* The UN Human Rights Council’s Special Rapporteur has bluntly described Israel’s campaign in Gaza as *“genocide, the ultimate crime,”* calling out states’ complicity in this *“collective crime.”* When Australian protesters cry *“globalise the intifada,”* they do so because they perceive that a horrific crime against humanity is occurring, and the world’s powerful are doing little to stop it. One may disagree with their wording, but one must understand their context. **Suppressing their voice too harshly risks appearing to take sides,** to protect one community’s feelings at the expense of another community’s very survival. Surely, we can protect Australian Jews from harassment *and* allow Australians to protest against what Palestinians are enduring. We do not have to choose one or the other. In fact, doing both is the only way to achieve true safety and **true justice,** which are the firmest foundations for community harmony.

#### **d. Best Practice – Australian and International, including the UK’s, Approaches**

Term (d) invites consideration of **Australian and international examples of best practice** in combating the use of such slogans, *“including measures and approaches taken in the United Kingdom.”* We have closely examined recent developments in the UK and elsewhere. Far from providing a simple template to copy, the UK experience **illustrates the perils of overreaction** and the importance of safeguarding civil liberties even as we confront hate. We urge the Committee to draw **cautionary lessons** from abroad, rather than emulate heavy handed tactics that are proving deeply divisive.

#### **United Kingdom – Recent Crackdown:**

In the United Kingdom, responses to pro-Palestinian slogans evolved rapidly in late 2023 and 2024. Initially, British authorities, while condemning genuinely antisemitic acts, did not arrest people merely for chanting slogans like *“Globalise the intifada.”* Police forces heeded legal advice that such chants on their own did not meet the threshold for hate speech prosecution. This approach reflected a **measured balance:** acknowledging the slogan was offensive to some but recognising that offensive

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speech in a protest setting is not automatically criminal absent incitement.

However, by December 2025, under intense political pressure and following incidents of violence overseas, UK police changed their stance. The Metropolitan Police and Greater Manchester Police announced they would “*arrest anyone chanting the words ‘globalise the intifada’ or holding a placard with the phrase on it*” at protests. They immediately detained at least two individuals in London for allegedly shouting slogans calling for “intifada”.

This draconian policy shift was **highly controversial**. On one hand, certain voices in the UK’s Jewish community welcomed it, the Community Security Trust, a British Jewish security NGO, said it was “*not a moment too soon*” and that allowing a call for global intifada on the streets was “*intolerable*”. On the other hand, civil liberties advocates, and Palestinian rights groups decried the move as an assault on free expression. The director of the UK Palestine Solidarity Campaign (PSC) labelled it “*political repression of protest for Palestinian rights*”. He and others reiterated that “*intifada*” in this context is **not a call for violence against Jews** but for resistance against military occupation. They warned that the police’s new stance was driven by optics and pressure, not by rule of law, noting that officers previously had “*not taken action as they believe there is no prospect of conviction*” under existing law. In other words, the UK police essentially decided to “**recalibrate to be more assertive**” despite the legal grey area, due to an “*escalating threat context,*” as their chiefs put it.

This UK development should give NSW pause. It shows how **easily the definition of “best practice” can become politicised**. The UK did *not* suddenly discover a new principle of law; it simply chose to push the envelope, essentially daring the courts to rule on whether shouting “intifada” constitutes incitement. That matter, as UK prosecutors admitted, “*may ultimately be for magistrates and juries to decide.*” As of now, it remains legally untested in Britain whether the charge would hold up. Indeed, the Crown Prosecution Service was “*unable to say whether the new approach would hold water in the courts*”. This uncertainty is **not a hallmark of “best practice”**, it is a gamble with freedom of speech in the face of public pressure.

**Consequences of UK Approach:** The UK’s aggressive policing of slogans has led to **predictable consequences**: fear, repression, and *resistance from activists*. In late 2025, eight pro-Palestinian activists in the UK were imprisoned for protest related actions, in their case, direct actions against arms facilities. They are now on a **hunger strike of last resort** beginning in November 2025. This was in large part a response to what they and UN observers called **repressive measures** notably, the UK Home Office’s unprecedented move to proscribe *Palestine Action* as a terrorist organisation. The hunger strikers’ health deteriorated to critical levels, spurring **United Nations experts** to intervene.

In a strongly worded statement, UN special rapporteurs condemned the treatment of these detainees and the misuse of counter-terrorism laws against political protest. They noted that applying security frameworks to acts of civil disobedience “*that are not genuinely terrorist according to international standards*” violates human rights, and they “*warned against the criminalisation of conduct that falls within the protected exercise*” of freedom of assembly and expression.

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The experts explicitly linked the hunger strikes to the “*broader context of restrictions on pro-Palestinian activism in the UK*,” urging authorities to “*end the repression of Palestine activism*.” This incident is a **cautionary tale**: if NSW follows a path of crackdowns influenced by pressure from certain interest groups, it could face similar moral and legal crises from prolonged court battles, as activists challenge laws, to damage to Australia’s international reputation as a “rights respecting democracy”.

**Other International Insights:** Best practice can also be gleaned from positive examples. Many democratic countries manage to handle controversial speech with **restraint and proportionality**. In the United States, for instance, the First Amendment provides very robust protection of speech, even hateful speech, and the threshold for unprotected incitement is extremely high, “imminent lawless action”. While the US has its own social tensions, it is noteworthy that American society has not collapsed into violence despite the legal permissibility of extreme slogans; if anything, extremist ideas often fizzle out in the face of overwhelming counter-speech in the public sphere. This suggests that **sunlight and debate are often more effective than bans** in combating hateful ideologies.

Within Australia, we have examples of measured responses too. After the shocking antisemitic verbal abuse by two nurses in Sydney, the offenders were rightly condemned and faced professional consequences, yet there was no suggestion that ordinary protest chants should be banned as a result of that hateful outburst. The response was targeted: address the individuals’ conduct, through investigation and discipline, reaffirm social norms through public denunciation of antisemitism, and educate against prejudice. This is essentially the “**bottom-up**” **approach**: strengthen communal norms against hate, rather than “**top-down**” **blanket bans** on slogans.

**Reconciling Security with Liberty – The Need for Checks:** A key lesson from comparative practice is the importance of **checks and balances**. In the UK, one of the controversial aspects of recent measures was the use of existing broad laws, like the Public Order Act, to impose conditions such as banning protests near certain areas e.g., around synagogues or using police powers to detain protesters pre-emptively. When these powers are exercised without judicial oversight, mistakes and abuses can occur. Similarly, NSW is contemplating empowering the Police Commissioner to issue “**Public Assembly Restriction Declarations**” (**PARD**) to bar protests in a given area for up to 14 days, with potential extensions after a terrorist incident. As currently framed, this would be an **executive action with no immediate court approval required**, and the Government even floated removing judicial oversight for up to three months in extreme cases.

Best practices internationally would caution against this. Any restriction on assembly should ideally be subject to rapid **judicial review**; an independent check to ensure the measure is truly necessary and tailored. In Germany, for example, local authorities may ban a specific demonstration if it poses an imminent threat, but such bans can and are swiftly challenged in court and often overturned if too broad. The **rule of law** demands that police and governments not be the sole arbiters of which protests are allowed.

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**Dialogue and Mediation:** Another practice worth noting is proactive **dialogue between police and protest organisers**. In the past, UK police often engaged with organisers of large demonstrations, including pro-Palestine marches, to agree on routes, expectations, and to convey concerns (for instance, requesting that certain chants or flags not be used near sensitive sites). This kind of engagement, treating protest organisers as partners in maintaining peace rather than adversaries can reduce the incidence of inflammatory slogans or confrontations, without recourse to arrests or bans. NSW could adopt a similar approach: *work with community leaders rather than imposing unilateral edicts*. This builds trust and often results in voluntary moderation, e.g., protest marshals ensuring no truly hateful banners are displayed, etc.

In conclusion, **“best practice”** is to uphold democratic freedoms while surgically targeting real dangers. The UK’s recent hard-line approach is *not* best practice; it is a contentious experiment that has prompted backlash and hunger strikes. A far better model is found in adhering to our constitutional and human rights commitments: punish violence and clear incitement, but otherwise **permit robust debate**, even loud, unruly debate, as a safety valve of democracy. The discourse of conflicting ideas is, after all, *“an essential feature of democracy.”*

#### **e. Constitutional Considerations – Implied Freedom of Political Communication**

The inquiry’s term (e) raises **the Australian Constitution and the implied freedom of political communication**. This is a crucial consideration, because any legislation emerging from this process must be compatible with our Constitution’s protection of political speech. We submit that a law banning phrases like “globalise the intifada” or granting blanket powers to prohibit protests would **very likely violate the implied freedom**, as it would impermissibly burden communication on political matters (international conflict and human rights) and fail the tests of necessity and proportionality developed by the High Court.

**Implied Freedom 101:** Australia’s Constitution, while lacking an explicit Bill of Rights, has been held by the High Court to contain an implied freedom of political communication, a safeguard essential to our system of representative government. In essence, Australians must remain free to discuss and debate political matters so that voters can make informed choices. This freedom is not absolute, but any law restricting political communication must be *“reasonably appropriate and adapted”*, proportionate, to serve a legitimate objective such as public safety, and **must not go further than reasonably necessary**. Critically, the implied freedom is not merely an ideal; it is legally enforceable. If a NSW law disproportionately restricts political expression, courts can strike it down as unconstitutional.

**Proposed Measures Implicate Core Political Speech:** The subjects of these slogans; the Israel-Palestine conflict, war in Gaza, and protests about them, are **core political issues**. They involve foreign policy, human rights, and government action, all of which are routinely discussed by politicians and constituents. A protester chanting *“globalise the intifada”* is expressing a political stance on an international issue, namely, that the Palestinian struggle against Israeli occupation should be supported globally. This is *political communication* by any definition.

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Indeed, the Premier himself acknowledged this is a matter of public debate: he noted members of his own government had marched in Gaza related protests and that people have “*deep and passionate interests about human rights or issues in other jurisdictions*”. In other words, even those supporting the crackdown recognise that these protests are motivated by political and humanitarian concerns. Therefore, any law that targets such protest slogans is **squarely restricting political communication**.

**Experience of the Places of Worship Bill:** We need only look a few months into the past for a stark illustration. In early 2025, the NSW Government enacted the **Crimes Amendment Places of Worship Act 2025**, which, banned protests via expanded move on powers near places of worship. This law, which was ostensibly aimed at curbing harassment of worshippers, was immediately criticised for **infringing on political speech and assembly** rights. Civil liberties groups pointed out that it could bar protests on many issues for example, a vigil outside a church for abuse survivors, or a rally outside a cathedral about refugee policy, given churches’ involvement. Their constitutional concerns proved correct. On 16 October 2025, the NSW Supreme Court **struck down key parts of that Act as unconstitutional**, finding it imposed an “*impermissible burden*” on the implied freedom of political communication.

The case brought by Palestine Action Group and others vindicated the principle that you cannot broadly shut down protests in the vicinity of certain institutions without running afoul of our Constitution’s protections. It is notable that Premier Minns said he found the court’s decision “disappointing” but disappointment cannot override constitutional law. The proper response is to **respect the ruling and ensure future laws stay within constitutional bounds**.

Given that backdrop, any new legislation to ban slogans or expand protest bans is treading on very thin ice legally. It is likely to face immediate challenge and based on the Supreme Court’s decision in *Lees v State of NSW (2025)*, the challengers would have a strong case. The implied freedom analysis would ask: what is the legitimate objective of the law? Perhaps “preventing incitement to hatred/violence” is the aim. That is a legitimate objective. But is a **blanket ban on a particular phrase, regardless of context**, reasonably adapted to that aim? **Almost certainly not**. The ban would catch a great deal of protected communication, for instance, a speaker at a peaceful rally who uses the phrase as a metaphor, or a social media post sharing a news story with the banned words, with no requirement of intent to incite hatred.

A more targeted, less speech-restrictive means such as using existing incitement laws is clearly available, meaning the blanket ban is not *necessary*.

Furthermore, any protest-ban powers such as the 14 day or 3 month bans mooted must pass the same test. A power to ban all assemblies in an area for a period of time is an extreme burden on communication. The Government would have to show it is proportionate to preventing violence.

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Yet, as seen, peaceful Palestine rallies were held numbering in the tens or hundreds of thousands with no violence *at all*. How then could a blanket ban be justified, when less restrictive means (policing, targeted arrests for actual criminal conduct) has proven effective at those events? It would likely fail the **proportionality** test. Indeed, the High Court's Lange/McCloy doctrine 2015, as applied in recent cases, would ask whether the law is suitable, necessary, and adequately balanced. A blanket slogan ban or protest ban fails especially on the "adequate balance", aka proportionality stage; the impact on political communication, silencing an entire viewpoint expression, is grossly out of balance with the speculative benefit of stopping a few offensive chants.

**Legal Commentary:** Reputable legal voices have already opined that these kinds of measures pose "*serious constitutional concerns.*" As cited earlier, Mr. O'Brien warned that the Places of Worship law could "*effectively silence dissent under the guise of maintaining public order*", directly implicating the implied freedom. The Supreme Court agreed, confirming that public order objectives cannot be pursued by **blanket silencing of protest**. The same logic will apply here. We also note the public comments of NSW Council for Civil Liberties and others that the protest crackdowns are "*authoritarian*" and smack of "*democratic backsliding.*"

Such characterisations, while forceful, underscore that what's at stake is the constitutional right of people to express political disagreement with government policy. If NSW sets a precedent of outlawing a slogan because it's deemed hateful, **what political speech might be next?** Could a future government ban slogans from climate change protesters as "threatening economic harm," or silence pro-LGBT slogans near certain religious areas as "inherently offensive"? These scenarios are not far-fetched once we accept the notion of censoring political language. The implied freedom exists to prevent this slippery slope and protect the **open marketplace of political ideas**.

**Premier's Confidence vs. Reality:** We are aware that Premier Minns has publicly expressed confidence that the proposed reforms on protest restrictions and slogan bans would withstand constitutional challenge. We say this confidence is **misplaced**. It is notable that even members of his own party, including ministers who had marched for Palestine, have not been fully convinced; there is division and concern within the community and Parliament. If the Government proceeds and faces a High Court challenge, NSW could expend significant public funds only to be rebuked by the nation's highest court, much as occurred in the 2019 *Clubb* case (where broad protest exclusion zones around abortion clinics were upheld only because they were carefully justified on patient privacy grounds, a clearly distinct context from political rallies). Here, we are talking about suppressing protest about war and foreign policy, which goes to the **core** of what the implied freedom protects.

In conclusion, **our Constitution demands a careful calibration**. Laws must be directed at **actual harms** and **leave breathing space for political expression**. The implied freedom of political communication is a shield for citizens to criticise and petition their government, and that includes chanting fiery slogans in the streets of Sydney about injustices in Gaza.

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We trust the Committee will weigh this heavily. Any recommendation that does not respect this freedom will likely not survive judicial scrutiny and, more importantly, would betray our state's commitment to democratic pluralism. As the Law Society Journal succinctly put it: *"A clear line must be drawn between preventing acts of violent racism and intimidation on the basis of religion, and protecting the right to peacefully protest."* We urge you to draw that line on the side of freedom.

#### **f. Existing Offences and Measures-NSW and Commonwealth**

Term (f) asks about **existing offences and other measures in NSW and Commonwealth law, including those recently announced**. It is important to acknowledge that Australia already has a **comprehensive legal framework to address hate speech, vilification, incitement, and violence**. This calls into question the necessity of additional legislation aimed at specific slogans or protests. In our view, existing laws, if properly enforced, are sufficient to deal with genuine cases of incitement or harassment, and recent announcements only extend that framework. We caution that creating new, *ad hoc* offences to target protest movements is not only redundant but risks undermining the coherence of our laws.

**NSW Criminal Laws:** New South Wales law contains strong provisions against conduct that incites violence or hatred. Notably, in 2018 NSW introduced section 93Z of the Crimes Act, making it a crime to *"publicly threaten or incite violence"* on various grounds including race and religion, punishable by up to 3 years imprisonment. This was already an expansion of prior anti-vilification laws and squarely covers the kind of behaviour we all agree is unacceptable; for instance, someone explicitly urging others to commit violence against Jewish people would commit a serious offence. Additionally, the NSW Crimes Act (s.93X and others) has offences for assault or intimidation near religious worship, and damage to religious property, etc. In 2024–2025, the NSW Government signalled even more additions: creating a specific offence of *"intentionally inciting racial hatred,"* with up to 2 years' jail, increasing penalties for displaying Nazi symbols (especially near synagogues), and criminalising *"blocking/harassing at places of worship"*. Some of these measures were part of the now-challenged Places of Worship Act and related amendments.

**Commonwealth Laws:** Federally, Australia has robust anti-terrorism laws that include offences like *advocating terrorism*. For example, it is a Commonwealth offence to intentionally counsel, promote, encourage or urge the doing of a terrorist act (Criminal Code s.80.2C, punishable by 5 years). If authorities truly believed *"globalise the intifada"* was a direct call for indiscriminate violence, one could conceivably test it under such provisions. Additionally, the Commonwealth Criminal Code contains offences for urging violence against groups or members of groups on political or religious grounds, these were introduced in 2019 (Part 5.1, Division 80). So from a national perspective, **incitement to violence is already illegal, full stop**. There is no gap in the law that allows "calls to kill" to slip through unpunished.

**Law Enforcement Powers:** Beyond criminal offences, the police have broad powers to maintain public order. They can issue *"move on"* directions to individuals causing fear or intimidation in public

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places (Law Enforcement (Powers and Responsibilities) Act 2002, Part 14). They can impose conditions on public assemblies (under the Summary Offences Act or major events legislation) if necessary for safety. Following the Bondi attack, the Government has proposed augmenting these powers through the **Terrorism and Other Legislation Amendment Bill 2025**. According to reports, this Bill “*tighten[s] gun laws, prohibit[s] the display of terrorist symbols and boost[s] police authority during public protests,*” directly in response to the terrorist threat and community tensions. One key measure is the *Public Assembly Restriction Declaration (PARD)* power mentioned: it would allow the Police Commissioner, with ministerial concurrence, to declare that **no public assembly can be held in a specified area for 14 days** if that assembly is likely to cause “*a reasonable person to fear harassment, intimidation, or violence*” or pose a risk to safety. In effect, if a terrorist attack occurs or is imminent, police can shut down protests in areas of concern (with the Bondi event as the prototype scenario). While we find this power troubling (as detailed above), it shows the extent to which **new measures are already being put in place** to address exactly the Government’s stated worries (fear, intimidation, incitement). The Bill also expands powers to compel removal of face coverings in public (targeting those who might hide identity at rallies).

In short, **the legal toolbox is full:**

- If someone engages in **hate speech** e.g., inciting violence against Jewish people – NSW Crimes Act 93Z and the new *incitement of hatred* offence cover it.
- If someone **blocks or intimidates worshippers** at a synagogue or mosque – there’s a new offence for that (2 years jail).
- If someone **displays a Nazi swastika** to menace the Jewish community – NSW has already banned that (and increased penalties).
- If someone **advocates terrorism** – the Commonwealth will deal with them under anti-terror laws.
- If authorities fear a **protest will turn violent** or be hijacked by extremists – the new PARD power will let them pre-emptively halt it for a time.
- If someone **chants a slogan in a way that harasses or threatens an individual** (e.g., gets in their face), that could be covered by existing offences like intimidation/harassment or even common law incitement.

Notably, Premier Minns himself cited advice that chanting “globalise the intifada” “*may already be in breach of existing hate speech laws in the state.*” This begs the question: **If it’s already potentially unlawful, what is the need for an additional explicit prohibition?** We fear the answer is *symbolism over substance*, a desire to be seen taking a tough stand, regardless of whether the conduct is already unlawful. Passing duplicative laws is at best unnecessary and at worst can lead to confusion and selective prosecution.

**Recently Announced Measures:** The term (f) also includes measures that “*have been announced.*” In the wake of the Bondi attack, beyond the state Bill mentioned, the Federal Government announced a suite of responses, some mentioned in the AIJAC policy piece: tighter firearm controls, cancelling visas of hate preachers, and possibly new hate speech laws at federal level. Prime Minister Albanese also announced new laws to combat hate speech nationally. These initiatives highlight that **hate-related and security-related laws are being strengthened across the board**. However, the AIJAC commentary from a pro-Israel lobby perspective, complains that these federal moves “*distract from*

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*the real issues*” and lauds NSW for going further. We would invert that assessment: the *real issues* of tackling violent antisemitism and extremist cells are indeed what federal measures aim at (guns, visas, actual hate crimes). Banning a chant or halting peaceful protests is a distraction, a theatrical gesture that does not truly make anyone safer.

**Enforcement vs New Laws:** We emphasize that **vigorous enforcement of existing laws** is preferable to crafting new offences for every alarming slogan that arises. If there are gaps, for example, if “intifada” as a word does not neatly fit existing definitions, the answer could be in police training and community liaison, not necessarily a new crime. Often, a combination of laws can address a situation. For instance, if someone at a rally was waving a flag and shouting an “intifada” slogan outside a synagogue in a manner likely to cause fear, that could be addressed by a move-on order to prevent breach of peace, and if ignored, by charges of disobeying a police direction or even *offensive conduct* under the Summary Offences Act. If their intent could be proven to be menacing or inciting violence, 93Z could be invoked.

The **danger in creating a slogan-specific ban** is that it criminalises expression in a vacuum without requiring proof of intent, effect, or context. That is alien to our criminal law, which usually requires a *mens rea* (guilty mind) and a concrete harm or risk. It is also unnecessary given our arsenal of context-sensitive laws.

Therefore, in answering term (f), we say: New South Wales and Australia **already prohibit incitement of hatred and violence**. We have recently tightened those laws further, **No new broad offence is needed** to protect the public from hateful slogans. Instead, we should ensure police, prosecutors, and courts apply the current laws properly. As one legal commentator noted, governments should avoid “*rushed and punitive laws*” and instead focus on understanding the nature of incidents before legislating. Our review of existing measures indicates the legislative framework is more than adequate; the focus now should be on fair and proportionate application.

### **g. Other Related Matters: Marginalised Voices, Dissent, and Distinguishing Anti-Zionism from Antisemitism**

Under term (g), “*any other related matters*,” we address several critical points that thread through the inquiry but have not been explicitly covered in (a)–(f). These include: the importance of not suppressing **legitimate dissent**, especially from marginalised voices; the influence of lobby groups on the policy agenda; and the necessity of clearly distinguishing **anti-Zionism or pro-Palestinian advocacy from antisemitism**. These factors are “related matters” in that they will determine the broader impact and wisdom of any measures to prohibit slogans.

**Protecting Marginalised Voices and Legitimate Dissent:** Throughout this submission, we have stressed that the voices most at risk of being silenced by the proposed laws are those of already marginalised communities, notably Palestinians, Arabs, Muslims, and their allies, including many progressive Jewish Australians. We cannot lose sight of the **power imbalance** inherent in this issue. On one side, we have the NSW Government, backed by well-funded lobby organisations and significant media influence, moving to define what speech is acceptable. On the other side, we have

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grassroots protesters, many from immigrant families or minority backgrounds, taking to the streets out of a sense of desperation and moral duty to plead for Palestinian lives. These protesters have no comparable access to the halls of power. Public protest is **their vehicle of expression**. As Mr. O'Brien eloquently observed, those protesting outside powerful institutions are often *"the marginalised, victims of abuse, those whose voices have been silenced."* If we shut them down, we risk entrenching injustice.

The right to dissent, to speak truth to power, is a hallmark of a free society. It is precisely in times of conflict and controversy that protecting this right matters most. It is easy to allow benign, popular speech; the test of our commitment to freedom is whether we allow speech that stirs anger or discomfort. *"Peaceful protest in public occupies a precious status in our society,"* as O'Brien said. That *precious status* must be preserved. If new laws create a chilling effect where people fear *"fines or arrest for protesting,"* we will see fewer people willing to stand up, *"weakening public debate."* This chilling effect is real, we have already heard from community members afraid to attend rallies or voice their views online since the "intifada" slogan saga began. This is tragic in a democracy. **Robust dissent, including street protest and controversial sloganeering, is part of the fabric of our pluralistic society.** We urge the Committee: do not tear that fabric.

It is also worth emphasising that **dissent is not disloyalty**. Critics of Israel's actions are not enemies of Australian society; many are deeply committed to universal human rights, which ultimately benefits us all. Labelling them as extremists or treating them as potential criminals is a profound injustice. It also risks radicalising individuals who feel their peaceful avenues of protest are blocked. A clear example of suppressing dissent backfiring is seen in the UK's Palestine Action case: had those activists been able to achieve change through normal protest and dialogue, they may not have resorted to drastic direct actions that landed them in prison; and once in prison under harsh measures, they resorted to a hunger strike, garnering even more international attention and sympathy. The lesson: **when legitimate dissent is suppressed, it will find a way out sometimes in less controlled, more extreme ways.** Conversely, when dissent is heard and engaged with, it has a chance to integrate into constructive policy solutions.

**Influence of Lobbying: Need for Transparency and Balance:** We must address a sensitive but important factor: the role of **Zionist-aligned lobbying in NSW policy** on this matter. This is not raised to invoke any "conspiracy," but to point out documented facts about political influence that deserve scrutiny. Pro-Israel advocacy groups in Australia, such as the Australia/Israel & Jewish Affairs Council (AIJAC) and the NSW Jewish Board of Deputies, are well-organised and have actively pushed for tougher action against pro-Palestine protests. These groups are part of the political landscape, and they have every right to advocate their views. However, *their* narrative that chants like "globalise the intifada" are equivalent to violent incitement should not be uncritically adopted by lawmakers without input from other stakeholders.

It is no secret that many Australian politicians, including in NSW, have close ties with pro-Israel organisations. Premier Chris Minns himself participated in AIJAC's sponsored Rambam study trip to Israel early in his career (2003), alongside other future national leaders. AIJAC and similar groups regularly engage politicians through events, briefings, and indeed public commentary. In a recent op-

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ed, an AIJAC policy analyst explicitly **praised Premier Minns** for his response to the Bondi attack, highlighting approvingly that *“he has outlawed the violent incitement chant of ‘Globalise the Intifada’ and allowed police to ban protests up to three months after terror attacks.”* This is essentially a lobby claiming credit for the policy direction, characterising the protest chant as a *“violent incitement chant”* (language we contest). The same piece chastises the Federal government for being “hostile” to Israel and not doing enough, positioning NSW’s approach as a model.

What does this tell us? It indicates that **Zionist-aligned groups are actively advocating for stringent measures** and that those measures conveniently align with their long-standing objectives for example, curbing pro-Palestinian activism which they often paint as antisemitic. There is nothing illegal about advocacy; indeed, Shoalhaven Friends of Palestine is itself engaging in advocacy with this submission. But we must ensure **policy is not captured by one viewpoint**. If only one side of a contentious issue is influencing the legislative response, the outcome will lack legitimacy and balance. We urge the Committee to consider testimony and evidence from a wide spectrum: include Palestinian-Australian community leaders, human rights lawyers, free speech experts not only security officials or Zionist lobby representatives. NSW’s policies should be based on empirical evidence of threats, constitutional principles, and the genuine need to protect all citizens, not on satisfying the demands of any interest group, be it AIJAC or any other.

Some commentators have noted the *appearance* that NSW’s harsh turn on protest rights came **immediately after intense pressure from certain lobbyists and media** following the Opera House and Harbour Bridge demonstrations in 2023. We recall that the Premier and other officials were lambasted in tabloids for not cracking down harder; the antisemitism envoy Jillian Segal pointed to those protests as harbingers of the Bondi violence. The Government’s swift introduction of the Places of Worship Bill and now these proposed measures might be seen as a political reaction to those pressures. This Committee has the chance to step back and say: *“Do these measures truly serve the public interest, or are they a kneejerk concession to some very loud voices in our political discourse?”*

We also note that **some politicians have bravely pushed back**. For example, NSW Greens MP Sue Higginson and others have spoken of *“democratic backsliding”* in relation to the protest law, and federal MP Ed Husic has been outspoken about the need for empathy for Palestinian civilians even as he combats antisemitism. These voices within our political system reflect that **there isn’t unanimity** on cracking down further. Good policy will weigh all sides, not just the most powerful.

**Anti-Zionism vs Antisemitism: A Crucial Distinction:** We conclude with a vital principle: **Opposition to Zionism or Israeli government policies is not the same as hatred of Jewish people**. Unfortunately, there has been a growing trend, internationally and in NSW, to blur this line. The Committee must resist conflating anti-Zionist political expression with antisemitic hate. The distinction is recognised in international human rights fora: criticism of Israel (even harsh criticism calling it an apartheid or genocidal regime) is directed at a state and its ideology and is **squarely protected political speech**. Antisemitism, on the other hand, is hostility or prejudice against Jews because they are Jewish, a despicable form of racism.

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The danger of conflation is illustrated by what PSC's Ben Jamal noted in the UK: groups lobbying for harsh action have even tried to brand chants like *"Free, free Palestine"* or calls for boycotting Israel as inherently antisemitic. By that logic, **any support for Palestinian rights could be shut down** under the guise of fighting hate. That would be an outrageous outcome, morally indefensible and legally unsound. We trust NSW will not go down that path. Instead, NSW should affirm that **one can be passionately pro-Palestinian and against Zionism, while simultaneously abhorring antisemitism**. In fact, many of us in the Palestine solidarity movement embody that stance: we oppose Israel's policies *because* we oppose racism and supremacism of all kinds. As one UK activist put it, *"You are not an anti-racist unless you stand fully against both"*, meaning both antisemitic violence *and* "the systemised racist violence of apartheid and genocide that Israel employs against Palestinians".

This encapsulates our view. The struggle for Palestinian liberation is inherently an anti-racist struggle, just as the struggle against antisemitism is. They are natural allies, not enemies. Therefore, any legislative or policy outcome of this inquiry should **state clearly** that nothing in it is intended to stifle **non-violent advocacy for Palestinian rights, criticism of Israel, or anti-Zionist viewpoints**. Those remain legitimate parts of public discourse. If the phrase "globalise the intifada" is judged too prone to misinterpretation, the solution is *not* to criminalise it, but to encourage protesters to perhaps use clearer language, *by persuading them, not by coercion*. The worst thing would be to send a message that **pro-Palestine rhetoric is generally unwelcome or forbidden**, as that would validate the false equivalence some extremists make between supporting Palestine and being antisemitic. It would drive a wedge between communities and stifle opportunities for mutual understanding.

In summary of "other matters": The Committee should approach its recommendations with an ethos of **inclusion, balance, and protection of the vulnerable**. Marginalised communities must be heard, not silenced. Lobby influence should be acknowledged, but policies must serve the common good, not particular agendas. And absolutely, we must draw a bright line separating legitimate critique of a nation's actions from bigotry towards a faith or people. NSW has an opportunity to set a principled example: reject hate unequivocally, but also reject the suppression of just causes under false pretences.

## **Conclusion and Recommendations: Protecting Against Incitement *and* Preserving Democratic Rights**

In conclusion, Shoalhaven Friends of Palestine urges the Committee to **reject the proposed blanket ban on slogans** such as "globalise the intifada" and any excessive protest suppression powers. Such measures unjustly target pro-Palestinian advocacy, risk criminalising political speech about a matter of urgent humanitarian concern and are likely to be counterproductive as well as unconstitutional. We believe it is entirely possible – indeed, imperative – to **protect the public against genuine incitement to violence without eroding our fundamental freedoms of speech and assembly**. Below we outline a framework of **alternative approaches and recommendations** that we commend to the Committee. This framework aims to **target the real problems, violent extremism and hate**

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**crime**, while **upholding the rights of all Australians**, including the right to protest government policies, domestic or foreign, that one finds unjust. We believe these recommendations will better serve social cohesion, public safety, and democratic values than the blunt instrument of banning political slogans.

**1. Rigorously Enforce Existing Laws Against True Incitement and Violence:** NSW authorities should make full use of the comprehensive laws already in place to charge individuals who **directly incite violence or threaten others**. This includes laws against serious vilification, terror incitement, assault, harassment, and so on. If someone at a rally crosses from speech into explicit threats (e.g. “we should attack XYZ”), they can and should be arrested and prosecuted under these existing provisions. Consistent enforcement will demonstrate that **genuine incitement is not tolerated**, without having to ban particular words out of context.

**2. Maintain a High Threshold for Criminalising Speech:** Adopt the principle that only speech which *intentionally and clearly* incites imminent violence or lawless action is criminal. Offensive or hyperbolic political slogans that fall below this threshold should not be the target of police unless accompanied by other unlawful conduct. This principle is in line with ICCPR Article 19(3) and the Siracusa guidelines on limiting rights, any restriction must be necessary and proportionate. By keeping the threshold high, we protect the space for robust democratic debate. Police training and operational guidelines can reinforce this, helping officers distinguish between **slogans and actual incitement**.

**3. Subject Any Restrictive Powers to Judicial Oversight and Narrow Criteria:** If new powers (like the PARD public-assembly ban) are to be enacted at all, they **must** include checks and balances. We recommend that any declaration to prohibit assemblies be approved by the Supreme Court (or an emergency judge) and last no longer than absolutely necessary (days, not months). The criteria should be specific: e.g., credible intelligence of a planned violent attack in the guise of a protest. It should not be based merely on subjective “*fear*” or the content of slogans. There should also be an appeal mechanism for affected parties to challenge the restriction swiftly. These measures ensure such powers are not misused to quash peaceful dissent arbitrarily.

**4. Encourage Dialogue and Community Policing over Blanket Bans:** We recommend investing in **community liaison** programs where police and community leaders (Jewish and Palestinian/Muslim) meet regularly, especially during times of tension. Before protests, police can communicate any particular concerns (for example, asking that a march route avoid sensitive sites at certain times, or discussing the implications of certain chants). Protest organisers, in turn, can explain the purpose of their event and self-police any extremists at the margins. This cooperative model builds trust and reduces the likelihood of hateful incidents. It is far more effective than a blanket ban which may be seen as a challenge to be defied. As UN experts urged in the UK context, authorities should “*engage in meaningful dialogue... to address underlying rights violations*” and not simply use coercion.

**5. Public Condemnation of Hate from All Sides:** The Government should demonstrate even-handedness by loudly condemning *all* manifestations of hate. This means not only antisemitic chants

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or abuses, but also Islamophobic or anti-Palestinian incidents. For instance, if a mosque or Islamic community centre is targeted or if racist comments are made against Palestinians, officials should respond with the same vigour. We also recommend that the Government explicitly acknowledge that the vast majority of pro-Palestinian protesters are **peacefully opposing what they see as grave injustices**, not promoting hate. A balanced narrative from the top will enhance community cohesion. It will reassure Palestinian Australians that they are not viewed with suspicion simply for advocating their cause and reassure Jewish Australians that the state's commitment to their safety does not entail sidelining others' rights.

**6. Education and Counter-Speech Initiatives:** The Committee should consider non-legislative measures such as funding educational campaigns on racism, antisemitism, and also on understanding the Israel-Palestine issue in depth. Misinformation and emotional slogans thrive in an environment of ignorance. By promoting education, for example, school programs about the dangers of hate speech (including how certain words can be perceived as hateful), as well as Australia's commitment to democratic protest, we inoculate society against extremism. Moreover, encourage **counter-speech**: when a harmful slogan is chanted, the answer can be more speech e.g., community leaders can explain why that slogan is hurtful, perhaps persuading many to choose different words to express their solidarity. The Government can facilitate inter-community town halls where grievances can be aired and misunderstandings clarified. This proactive approach addresses the *cause* of hateful sentiment rather than just punishing the symptom.

**7. Affirm the Distinction Between Criticism of Israel and Antisemitism in any Report or Law:** We urge that any Committee report and any eventual legislative language include a clarifying statement something to the effect that *"Nothing in this inquiry/proposed law is intended to prohibit the expression of support for the rights of the Palestinian people or criticism of the actions or policies of any foreign government. Only expressions that constitute incitement to violence or intimidation against a protected group or individual are within the scope of prohibition."* Such a statement, even if symbolic, would send a powerful message that NSW understands the difference between anti-Jewish hate and legitimate political speech on Palestine. This could help allay the fear in activist communities that these laws are *de facto* anti-Palestinian gag orders.

**8. Increase Focus on Actual Violent Threats and Extremists:** Redirect government and police attention toward *genuine* threats, for example, known Neo-Nazi networks, or individuals (of any background) who are stockpiling weapons or encouraging terror acts. One might consider establishing a multi-agency task force to monitor and interdict violent extremism (with proper regard to civil liberties). The Bondi attackers, for instance, were on the radar but deemed not dangerous; understanding that intelligence gap is more pertinent to preventing future attacks than banning a slogan at a rally. In line with this, any new funding in response to recent events would be better spent on upgrading security at vulnerable sites, synagogues, community centers *and* mosques, etc. and on de-radicalisation programs, rather than on policing protest per se.

**9. Support for Affected Communities:** Hand-in-hand with protection goes support. The Government should provide avenues for communities feeling threatened to get help, for Jewish community,

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continue support for security grants and hate crime reporting hotlines; for Palestinian/Muslim communities, ensure they have channels to report hate incidents against them and that those are taken seriously. A community that feels supported by authorities is more likely to cooperate in addressing hateful actors in their midst and less likely to feel they must take matters into their own hands or retreat into communal mistrust.

**10. Periodic Review of Any Measures Adopted:** If any restrictive measure is adopted, it should come with a **sunset clause or review requirement**. Circumstances evolve, what might be politically salient now could change. We recommend the Committee propose that Parliament re-evaluate the law after, say, 12 months, with input from an independent monitor on how the law has been used. This would help ensure that if the law produces unintended consequences (like arbitrary arrests or the targeting of one community), it can be corrected promptly. It also ensures ongoing public accountability for maintaining the balance between security and liberty.

In closing, we reiterate that **NSW must not abandon its democratic principles in the face of heinous provocations or horrific events**. We call again for a NSW and Federal Royal Commission to assess the level of influence of domestic lobby groups and foreign governments who seek to pursue the interest of a foreign power over what is best for all Australians. The best way to honour the victims of terror, such as those murdered at Bondi, is to uphold the rule of law and the freedoms that terrorists would seek to destroy. By the same token, the best way to combat hate is through unity and justice, not through measures that could themselves be seen as unjust.

Shoalhaven Friends of Palestine stands ready to assist the Committee further and to participate in any dialogues that can foster genuine understanding. We thank the Committee for considering our submission, and we trust that you will recommend solutions that keep **all communities safe while keeping NSW free**.

**Aine Ni Fhoughlu**  
**For Shoalhaven Friends of Palestine**

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