

**Submission  
No 19**

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

**Organisation:** Australia Israel & Jewish Affairs Council (AIJAC)

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# **Submission to the NSW Legislative Assembly Committee on Law and Safety on measures to prohibit slogans that incite hatred and threaten community safety**

## **Introduction**

The Australia/Israel & Jewish Affairs Council (AIJAC) appreciates the opportunity to lodge a submission to the NSW Legislative Assembly Committee on Law and Safety regarding measures to prohibit slogans that incite hatred and threaten community safety.

AIJAC is the premier independent public affairs organisation for the Australian Jewish community and conveys the interests of the Australian Jewish community to government, media and other community organisations.

In February and March 2025, the NSW Government passed several welcome legislative amendments to help address the explosion of antisemitism and antizionism<sup>1</sup> since the Hamas attack of October 7, 2023. This includes the *Crimes Amendment (Places of Worship) Bill 2025*,<sup>2</sup> the *Crimes Amendment (Inciting Racial Hatred) Bill 2025*<sup>3</sup> and the *Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025*.<sup>4</sup>

At the same time, the Australian Government passed the *Criminal Code Amendment (Hate Crimes) Bill 2025*,<sup>5</sup> which filled in gaps in legislation and lowered the bar for prosecution for, inter alia, incitement to violence.

Unfortunately, these belated amendments have not been uniformly or consistently enforced and came too late to prevent the groundswell of antisemitic sentiment and conduct since late 2023, which culminated in the horrific antisemitic terrorist attack on Bondi Beach on December 14.

Moreover, the fact that certain overtly homicidal phrases, including but by no means limited to “globalise the intifada”, were not prosecuted under any of these new laws meant that they were in effect toothless.

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<sup>1</sup> For the purposes of this submission, AIJAC uses the term “antizionism” not to describe criticism of Israeli government policy, but to describe an ideology that denies Jewish national legitimacy and imputes collective criminality to Jews as a group when they seek national self-determination.

<sup>2</sup> Crimes Amendment (Places of Worship) Bill 2025, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18698>.

<sup>3</sup> Crimes Amendment (Inciting Racial Hatred) Bill 2025, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18707>.

<sup>4</sup> Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18699>.

<sup>5</sup> Criminal Code Amendment (Hate Crimes) Bill 2025, [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r7240](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7240).

AIJAC therefore fully supports the measures outlined by NSW Premier Chris Minns in December 2025,<sup>6</sup> including banning the slogan “globalise the intifada”, as well as the introduction of the *Crimes Amendment (Display of Nazi and Terrorist Symbols) Bill 2025*, which strengthens the prohibition on displaying terrorist and Nazi symbols or their likeness for malicious purposes.

## Recommendations

- AIJAC recommends banning not only “globalise the intifada”, but also “Death, death to the IDF”, “Khaybar Khaybar Ya Yahud, Jaish Muhammad Sauf Ya’ud”, “There is only one solution: Intifada, Revolution”, “Resistance is justified when Palestine is occupied” and “Resistance by any means necessary” – and all variants of these phrases – whether chanted, worn on a t-shirt or written on a poster.
- AIJAC recommends banning the inverted red triangle of Hamas as a terrorist symbol, and including images of terrorists and terrorist leaders under the *Crimes Amendment (Display of Nazi and Terrorist Symbols) Bill 2025*.
- AIJAC recommends amending the *Crimes Act 1900* based on Chapter XI of WA’s *Criminal Code Act 1913* (“Racist harassment and incitement to racial hatred”, sections 77-80J),<sup>7</sup> enabling much harsher sentences for those engaging in conduct intended or even likely to create, promote or increase “animosity towards, or harassment of, a racial group, or a person as a member of a racial group.”
- AIJAC recommends including the celebration of death during terrorist activity as “martyrdom” under the prohibition against advocating terrorism.<sup>8</sup>
- AIJAC recommends consulting with mainstream Muslim leaders to determine how to contextualise anti-Jewish passages in the Quran and Hadith properly to stop them being used to incite contemporary violence.
- AIJAC recommends educational material be developed, in consultation with the representative Jewish community organisations, and introduced into schools regarding the fact that *The Protocols of the Elders of Zion* is a plagiarised fabrication, as well as the 19th-20th century Christian, European, Nazi and Soviet influences on contemporary antisemitism in the Islamic World.

## Hate Speech and Symbols

For far too long, Islamists and extreme anti-Israel protesters have been allowed to circumvent both racial vilification laws as well as prohibitions against inciting violence by claiming that the words “intifada”, “resistance” or “jihad” are not inherently violent and hateful, and that the demonisation and vilification of “Zionists” is legitimate political discourse.

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<sup>6</sup> “NSW Government to crack down further on hateful symbols and slogans”, Dec. 20, 2025, <https://www.nsw.gov.au/ministerial-releases/nsw-government-to-crack-down-further-on-hateful-symbols-and-slogans>.

<sup>7</sup> pp. 67-73

<sup>8</sup> Section 80.2C of the Criminal Code, <https://www.legislation.gov.au/C2004A04868/latest/text>.

While sometimes true in an irrelevant and academic sense, in the context of anti-Israel protests, they are always calls for violence and terrorism against Jewish civilians, “resistance” being a euphemism for terrorism in the Arab-Israeli context. Terrorist groups trying to destroy Israel, including Hezbollah and Hamas, refer to themselves as “resistance” organisations.

As long as extreme antizionist rhetoric continues to be treated as legitimate political expression, rather than recognised for the libellous, conspiratorial and frequently violent narratives it propagates, enforcement efforts will remain inconsistent and ineffective. History demonstrates that such narratives, when normalised, have repeatedly led to violence against Jewish communities. Failure to recognise this pattern risks allowing contemporary manifestations of the same ideology to operate with impunity.

To that end, not only should the chant “globalise the intifada” – which is advocating terrorism against Jews outside the borders of Israel and is interpreted that way by Jews – be prohibited, but so should other chants involving that word, including “There is only one solution: Intifada, Revolution”.

Furthermore, the overtly violent chant “death to the IDF”, as well as anything referring to “resistance” in the context of anti-Jewish terrorism, should be similarly prohibited under new legislation.

The Arabic phrase “Khaybar Khaybar Ya Yahud, Jaish Muhammad Sauf Ya’ud” (“Khaybar Khaybar O Jews, the army of Muhammad will return”), often heard at anti-Israel protests, is a theological call for genocidal violence and should therefore also be banned. The chant references the massacre, expulsion or subjugation of Jewish tribes in 628 CE in the Khaybar Oasis in modern-day Saudi Arabia and urges a repetition.<sup>9</sup>

Claims such as “all Zionists are terrorists” or calls to expel “Zionists” from public or civic space cannot be understood as legitimate criticism of Israeli government policy. Historically, near-identical language has been used to justify the collective targeting, expulsion and persecution of Jewish communities. In Poland in 1968, the state-led antizionist campaign resulted in the purge of approximately 13,000 Jews from public life and forced emigration, despite the absence of any connection to Israel or Zionism as a political movement. Similar antizionist rhetoric was used across the Soviet Union to legitimise the repression, surveillance and exclusion of Jewish citizens over several decades. In each case, “Zionism” functioned as a proxy for Jewish identity, and its demonisation preceded or accompanied mass violations of Jewish civil and human rights.

Zionism, AIJAC reminds the Committee, is the Jewish right to self-determination. A denial of only Jews to their right to self-determination is inherently racist – calling Zionists terrorists or for the exclusion of Zionists is antisemitic.

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<sup>9</sup> Anti-Defamation League, “Chant: Khaybar, Khaybar, oh Jews, the Army of Mohammed will Return”, <https://www.adl.org/resources/background/chant-khaybar-khaybar-oh-jews-army-mohammed-will-return>.

- AIJAC recommends banning not only “globalise the intifada”, but also “Death, death to the IDF”, “Khaybar Khaybar Ya Yahud, Jaish Muhammad Sauf Ya’ud”, “There is only one solution: Intifada, Revolution”, “Resistance is justified when Palestine is occupied” and “Resistance by any means necessary” – and all variants of these phrases – whether chanted, worn on a t-shirt or written on a poster.

## Expanding Terrorism Glorification

Laws against terrorism advocacy<sup>10</sup> should have prevented what happened immediately following October 7, 2023, when extremist Islamist clerics, among others, openly and publicly celebrated the attack.<sup>11</sup> These laws need to be enforced as a deterrent to such activity, which encourages emulation and further attacks.

AIJAC believes the offence of advocating terrorism should be expanded to include vigils or speeches celebrating terrorists as martyrs. For example, there were vigils for six Hezbollah fighters held in late October 2023 at the Masjid Arrahman in Kingsgrove and the Al Zahra Mosque in Arncliffe, during which the dead were celebrated for their jihad and referred to as martyrs.<sup>12</sup> Even larger vigils were held for Hezbollah Secretary-General Hassan Nasrallah in September 2024.<sup>13</sup> These events carry substantial risk of causing individuals to try and emulate the dead.

Following the antisemitic terrorist attack at Bondi Beach on December 14, 2025, public commentary emerged asserting that the victims were not civilians because the event was organised or attended by “Zionists”, and that their targeting was therefore politically or morally justified. Such reasoning mirrors the justificatory frameworks used to excuse terrorist violence elsewhere, and serves to normalise or legitimise attacks on Jewish civilians by redefining them as legitimate targets.

- AIJAC recommends including the celebration of death during terrorist activity as “martyrdom” under the prohibition against advocating terrorism.

## Expanding Terrorism Symbol and Image Bans

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<sup>10</sup> See note 8.

<sup>11</sup> Gavin Coote, “Pro-Palestinian rally at Lakemba in Sydney criticised for ‘celebration’ of attacks on Israel”, *ABC*, Oct. 9, 2023, <https://www.abc.net.au/news/2023-10-09/nsw-palestinian-rally-lakemba-sydney-israel-wong/102950238>.

<sup>12</sup> Alexi Demetriadi, “Sydney mosque farewells ‘martyrs’ killed while attacking Israel”, *The Australian*, Oct. 22, 2023, <https://www.theaustralian.com.au/nation/sydney-mosque-farewells-martyrs-killed-while-attacking-israel/news-story/434e18b117aa64b3d1d8a818745d68ba>.

<sup>13</sup> Laurence Karacsony, “Three mosques in Sydney continue to hold commemorative services for terrorists as Muslims mourn Hezbollah leader's death”, *Sky News*, Sept. 30, 2024, <https://www.skynews.com.au/australia-news/politics/three-mosques-in-sydney-continue-to-hold-commemorative-services-for-terrorists-as-muslims-mourn-hezbollah-leaders-death/news-story/bcb75fc134a8731843e7921823ea54c6>.

The inverted red triangle utilised by Hamas and its supporters has become endemic to anti-Israel protests and acts of vandalism; AIJAC urges it be included as a terrorist hate symbol and banned under the *Crimes Amendment (Display of Nazi and Terrorist Symbols) Bill 2025*.<sup>14</sup>

Additionally, symbolic glorification of terrorism as well as portraying images of terrorists should be prohibited under the law. For example, an image of a paraglider in the context of an anti-Israel protest, whether on a shirt, placard or flyer, is an overt celebration of the October 7 attacks.

Portraying images of terrorists and terrorist leaders at rallies should also be prohibited under these new legislative amendments. For example, following his assassination in September 2024, many in Australia marched holding pictures of Hassan Nasrallah, the Secretary-General of Hezbollah, proscribed in its entirety as a terrorist group in Australia.<sup>15</sup>

Following the killing of Hamas leader Yahya Sinwar in October 2024, Hizb ut-Tahrir and other activists gave speeches lauding him and October 7, with some holding images of Sinwar.<sup>16</sup>

- AIJAC recommends banning the inverted red triangle of Hamas as a terrorist symbol, and clearly including the display of images of terrorists and terrorist leaders under the *Crimes Amendment (Display of Nazi and Terrorist Symbols) Bill 2025*.

## **Islamist Education and Sermonising**

The sermons of some extremist Islamist preachers, including Wissam Haddad (AKA Abu Ousayd) – whose Al Madinah Dawah Centre might have been where Bondi terrorist Naveed Akram was radicalised – since October 7, 2023, should have fallen afoul of the law. Many would be considered open incitement to violence and racial vilification by any reasonable person. Indeed, Haddad was found by Federal Court to have breached section 18C of the *Racial Discrimination Act 1975* in several sermons, for which there is no criminal penalty.<sup>17</sup>

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<sup>14</sup> The Jewish Independent, “Red triangles signal a new level of hate in Australia”, Sept. 17, 2024, <https://thejewishindependent.com.au/red-triangles-signal-a-new-level-of-hate-in-australia>.

<sup>15</sup> Michael McGowan, “Demonstrators mourn slain Hezbollah leader at protests in Sydney and Melbourne”, *Sydney Morning Herald*, Sept. 29, 2024, <https://www.smh.com.au/politics/nsw/demonstrators-mourn-slain-hezbollah-leader-at-sydney-protests-20240929-p5keeu.html>.

<sup>16</sup> Aleix Demetriadi, “Yahya Sinwar hailed as ‘legend’ at Sydney rally as sheik says Islam will ‘dominate’”, *The Australian*, Oct. 20, 2024, <https://www.theaustralian.com.au/nation/yahya-sinwar-hailed-as-legend-at-sydney-conference-as-sheik-says-islam-will-dominate/news-story/f07ab0265c6ebc01fd5c29c86789ce5c>.

<sup>17</sup> *Wertheim v Haddad* [2025] FCA 720, <https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2025/2025fca0720>.

Even under WA’s stronger vilification laws and penalties, there are exemptions for otherwise prohibited statements done for, inter alia, “genuine religious purposes”.<sup>18</sup> The NSW Criminal Code, under section 93ZAA (“Offence of publicly inciting hatred on ground of race”), also exempts “an act that consists only of directly quoting from or otherwise referencing a religious text for the purpose of religious teaching or discussion.”<sup>19</sup>

This is a gaping hole in legislation and a get-out-of-jail-free card for jihadist preachers, who can easily find passages from the Quran and Hadith to promote hatred and even violence towards Jews, among others, and then attempt to defend themselves under the religious exemption.

For example, the Hadith cited in Hamas’ founding Charter, from *Sahih al-Bukhari*, which reads: “[The Day of Judgement will not come] until you fight the Jews, and the Jew will hide behind a stone or a tree, and the stone or the tree will say: O Muslim, O servant of God, this is a Jew behind me—come and kill him.”<sup>20</sup> This was also cited by Haddad,<sup>21</sup> and is a mainstay of Islamist incitement.

However, as the expert witness on Islamic scripture in the case against Haddad, Sheikh Adel Ahmad Muhammad Ibrahim, said, “Islam does not encourage hatred towards Jews or any other religion”, and historically contextualised the passages used by Haddad.<sup>22</sup>

The politicised citation of the Quran and Hadith to encourage violence and hatred against Jews should not fall outside strict vilification measures just because it is technically scripture.

The widespread belief in the fabricated text *The Protocols of the Learned Elders of Zion*, among other non-Islamic antisemitic texts, is unfortunately endemic to the Muslim community, and must be countered by education. This would include the text’s plagiarism from Maurice Joly’s *The Dialogue in Hell Between Machiavelli and Montesquieu*,<sup>23</sup> as well as how it and other antisemitic theories and texts were imported into the 20th-century Islamic world through Christian Arabs, general European

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<sup>18</sup> Section 80G, pp. 83-84,

[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc\\_37141.pdf/\\$FILE/Criminal%20Code%20Act%20Compilation%20Act%201913%20-%20%5B19-a0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_37141.pdf/$FILE/Criminal%20Code%20Act%20Compilation%20Act%201913%20-%20%5B19-a0-00%5D.pdf?OpenElement).

<sup>19</sup> Section 93ZAA, <https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.93ZAA>.

<sup>20</sup> Sahih al-Bukhari 2926,

<https://sunnah.com/bukhari:2926#:~:text=Narrated%20Abu%20Huraira:,me%2C%20so%20kill%20him.%22>; Hamas, “The Covenant of the Islamic Resistance Movement”, Aug. 18, 1988, Article Seven, [https://avalon.law.yale.edu/21st\\_century/hamas.asp](https://avalon.law.yale.edu/21st_century/hamas.asp).

<sup>21</sup> See note 17.

<sup>22</sup> *ibid*.

<sup>23</sup> Philip Graves, “The Truth About ‘The Protocols’: A Literary Forgery”, *The Times*, Aug. 16-18, 1921, <https://archive.org/details/truthaboutthepro00londiala/page/2/mode/2up>.

influence, and subsequently through interaction with Nazi Germany and the Soviet Union.<sup>24</sup>

Conspiracy theories, coupled with decontextualised passages from the Quran and Hadith, are a dangerous combination and must be countered from within the Muslim community through education.

- AIJAC recommends amending the *Crimes Act 1900* based on Chapter XI of WA's *Criminal Code Act 1913* ("Racist harassment and incitement to racial hatred", sections 77-80J),<sup>25</sup> enabling much harsher sentences for those engaging in conduct intended or even likely to create, promote or increase "animosity towards, or harassment of, a racial group, or a person as a member of a racial group."
- AIJAC recommends consulting with moderate Muslim leadership to determine how to contextualise anti-Jewish passages in the Quran and Hadith properly to stop them being used to incite contemporary violence.
- AIJAC recommends educational material be developed, in consultation with experts, and introduced into Muslim schools regarding the fact that *The Protocols of the Elders of Zion* is a plagiarised fabrication, as well as the 19th-20th century Christian, European, Nazi and Soviet influences on contemporary antisemitism in the Islamic World.

## Conclusion

AIJAC supports the new measures being considered by the NSW Government. These measures will help fill gaps in legislation and ensure more realistic thresholds for prosecution.

However, AIJAC believes this bill could be further augmented, either directly or through additional and complementary legislative amendments, by the proposals herein.

There are still several loopholes, including the misuse of religious texts, that may allow implicit incitement to violence without harsh penalties. To counteract this, AIJAC recommends clarifying the nature of religious exemptions, and using harsh penalties to deter such abuse by Islamist preachers.

Simultaneously, in consultation with mainstream Muslim leaders, the Government should develop public educational material to contextualise anti-Jewish passages in the Quran and Hadith, which can be cited in court cases to ensure Islamists cannot get around the prohibition by saying they were merely quoting religious texts.

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<sup>24</sup> Küntzel, M. (2023). *Nazis, Islamic antisemitism and the Middle East: the 1948 Arab War against Israel and the aftershocks of World War II*. Routledge; Lewis, B. (1999). *Semites and anti-Semites: an inquiry into conflict and prejudice*. WW Norton & Company.

<sup>25</sup> pp. 67-73

Furthermore, the slogans, symbols and images to be banned at protests need to be expanded and publicised, and the penalties for them made clear by the Government. Such prohibited slogans should include any chant mentioning “resistance” or “intifada” as well as the Arabic chant “Khaybar, Khaybar ya Yahud”.

Hamas’ inverted red triangle and images of paragliders or dead terrorists should be considered terrorist symbols and implicit incitement to violence, as should the celebration of terrorists as “martyrs” in Australia.

Education is a key element for counteracting extremism. Therefore, educational material should be developed to ensure children do not grow up believing in non-Islamic antisemitic texts, demonstrating that they are either fabrications or lies by omission. Such material would also contextualise modern antisemitism in Islam as the result of Christian, European, Nazi and Soviet influence. It can then be rejected within the community, and Islamists citing such texts and conspiracy theories, like Hamas,<sup>26</sup> marginalised.

Finally, it cannot be emphasised strongly enough that calls to expel “Zionists” from public or civic space cannot be separated from the fact that, historically, near-identical language has been used to justify the collective targeting, expulsion and persecution of Jewish communities. In each case, “Zionism” functioned as a proxy for Jewish identity, and its demonisation preceded or accompanied mass violations of Jewish civil and human rights.

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<sup>26</sup> Article 32 of Hamas’ founding Charter, [https://avalon.law.yale.edu/21st\\_century/hamas.asp](https://avalon.law.yale.edu/21st_century/hamas.asp).