

**Submission
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MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Australian Christian Churches

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NSW PARLIAMENTARY SUBMISSION ON MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

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To The Committee Chair
NSW legislative Assembly Committee on Law and Safety
NSW Parliament House
6 Macquarie Street, Sydney NSW 2000

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INTRODUCTION

My name is Mark Edwards and I am a credentialed Ordained Pastor with Australian Christian Churches (ACC). I am the ACC's Representative for Religious Freedom. This submission is made on behalf of Australian Christian Churches.

ACC is the largest Pentecostal movement in Australia consisting of more than 1,100 churches, 3346 Credentialed Pastors and over 400,000 constituents.

BACKGROUND TO SUBMISSION ON MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

This submission responds to an invitation to make a submission to the inquiry of the NSW Legislative Assembly Committee on Law and Safety into measures to prohibit slogans that are directed at certain communities to incite hatred and threaten community safety.

The major issue being considered by the Committee can be stated as being whether the NSW Parliament ought to make unlawful 'the use of slogans that are directed at certain communities to intimidate those communities and instill fear of violence.'

It must be noted that the suggestion to change the law in this way has been raised in the aftermath of the terrible and horrific events of December 14, 2025 when 15 innocent people involved in celebration of a Jewish Hanukkah festival at Bondi Beach were murdered by two perpetrators who seem to have been motivated by links with the Islamic terrorist organization, ISIS.

In addition, it is evident that, at a number of public protests following the Hamas murders and assaults committed against Israeli citizens on October 7, 2023 in Israel, people present at those protests were encouraged to chant the slogan '**globalise the intifada**'.

Without debating the formal Arabic translation of the word 'intifada', it is clear that many using it would see it as a reference to increasing violent attacks on Jewish people which in the view of those chanting the slogan, desire these attacks against Jewish people to be worldwide.

This submission addresses the question, is there a need to enact any further laws to ensure the use of this specific phrase, or other such phrases, would be unlawful?

CURRENT NSW LAWS ON INCITEMENT TO VIOLENCE

At the outset **we** want to be very clear that the ACC supports the protection of freedom of speech, thought, conscience and religion. **Freedom**s such as these are not without boundaries and limitations and **cannot** ever include the right to advocate for physical violence against other members of the community, nor a right to actually commit such violence, or issue direct threats of violence.

The word ‘violence’ should not, however, be extended or defined as ‘criticising someone’s moral choices’ or ‘upsetting someone’. These matters are not appropriately dealt with by legislation. However, under no circumstances can a community tolerate physical violence or threats against other members of the community justified by religious beliefs.

There are two separate ways that incitement to violence based on race or religion may be dealt with under the current law.

Firstly the **criminal law**, Section 93Z of the *Crimes Act* 1900 (NSW) provides:

93Z (1) A [person](#) who, by a [public act](#), intentionally or recklessly threatens or incites [violence](#) towards another [person](#) or a group of persons on any of the following grounds is guilty of an offence--
(a) the [race](#) of the other [person](#) or one or more of the members of the group,
(b) that the other [person](#) has, or one or more of the members of the group have, a specific [religious belief or affiliation](#)...

There is also a specific prohibition against the public display of Nazi symbols without reasonable excuse in Section 93ZA (with a higher penalty for display near Jewish schools and centres.) Section 93ZB also prohibits public display of a ‘prohibited terrorist organisation symbol’ (defined by reference to s 80.2E(3) of the *Commonwealth Criminal Code* as, in general, being a symbol used by terrorist organisations.)

In addition there is also an offence of publicly inciting hatred on racial grounds under Section 93ZAA, which includes a requirement that the act ‘would cause a reasonable person who was the target of the incitement of hatred, or a reasonable person who was a member of a group of persons that was the target of the incitement of hatred, to— (i) fear harassment, intimidation or violence, or (ii) fear for the reasonable person’s safety.’

It must be said that being Jewish is regarded by the law as both a ‘racial’ identity and a ‘religious’ one.

Therefore, would leading a crowd in a chant of ‘globalise the intifada’ fall foul of Section 93Z as ‘intentionally or recklessly threaten[ing] or incite[ing] violence towards another person or a group of persons...’ on the grounds of race or religion?

Or can it be seen as inciting hatred against Jewish persons under s 93ZAA?

The answer will depend very much, it seems, on the context. If carried out in a context where clear hateful things were said about Jewish people in general, it may well be seen as an incitement to violence.

This might be challenging to prove ‘beyond reasonable doubt’, therefore under current criminal law provisions, this may not be clear.

Secondly, in terms of **civil actions**, it is possible that someone leading a chant of ‘globalise the intifada’ may already be in breach of existing ‘racial vilification’ laws. In NSW, Section 20C of the *Anti-Discrimination Act 1977* (NSW) states:

20C Racial Vilification Unlawful

(1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

(2) Nothing in this section renders unlawful-- ...

(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

If the phrase calls for violence against Jewish people, then it would arguably either incite hatred or serious contempt on the basis of race.

None of the exempted purposes in Section 20C(2) would seem to apply.

Even more clearly the provisions of Section 18C of the *Racial Discrimination Act 1975* (Cth) would be breached.

This provision makes it unlawful on the basis of race to ‘offend, insult, humiliate or intimidate another person or a group of people’.

A successful action for breach of this provision was run in the Federal Court in ***Wertheim v Haddad* [2025] FCA 720 (1 July 2025)**, where Muslim preacher Mr Haddad, in a series of talks broadcast over the internet entitled *The Jews of Al Madina*, linked comments from the Qur’an to current Jewish folk, and made a number of comments which were not only derogatory and offensive, but urged violence against Jewish people.

Stewart J provided the following summary of the comments at [158] point (3):

There is an eternal conflict between Jews and Muslims for which Jews are responsible and which will only end towards the end of time when Muslims **should** and **will kill Jews** (imputations 3, 15 and 19)...
(emphasis added)

It seems on the basis of this court decision and the Section 18C itself there would be a possible civil action available. However, the question certainly remains, what does the ‘slogan’ actually mean to those using it? Hence the challenge in deciding if this slogan comes within the definition of Section 18C.

ACC in its submission would submit that there is doubt as to whether the current law would prohibit the use of the slogan ‘globalise the intifada’, or other slogans which could incite hatred and threaten community safety but may not be direct or clear.

Therefore, the question is, should the law be changed to make such slogans unlawful?

it should be stated very clearly that ACC regards the slogan ‘globalise the intifada’ as not acceptable in Australian society. It is clearly offensive and derogatory and should not be tolerated in our nation.

However, in putting this position as strongly as one can, it is the ACC's view that this is still a very difficult question to answer.

As an organisation that strongly support religious freedom and other freedoms - such as freedom of speech, thought and conscious which are clearly recognised human rights supported by international conventions to which Australia has subscribed namely Articles 18 (freedom of religion) and 19 (freedom of speech) of the United Nations *Declaration of Human Rights*, and the *International Covenant on Civil and Political Rights* (ICCPR) - incitement to violence cannot and should not be protected by these general rights.

The High Court in ***Adelaide Company of Jehovah's Witnesses Inc v Commonwealth* (1943) 67 CLR 116**, noted that the limits of religious freedom would be reached where it was necessary to protect the safety of the country from war. A similar analysis would apply to statements urging physical violence on others, even if religiously motivated.

CONCLUSIONS

Legislation is not the answer to every social or moral issue in society. Everything within this author's being wants this hideous phrase to be banned.

However, from a practical sense, given that someone who uses this slogan and was prosecuted would challenge it in the courts, ACC considers it would **not** be wise to select specific phrases to be banned.

Is it possible that in one's defence to a prosecution for using this slogan in some of these demonstrations, the individual may have genuinely not understood that the history and context of 'globalise the intifada' was in fact a call for widespread violence against Jews?

Another aspect is that it seems very effortless that this proposed law that would be easy to avoid by changing the wording slightly of the slogan and creating litigation problems.

Therefore, somewhat reluctantly on ACC's behalf, it seems that the best approach would be to continue to support current laws that ban incitement of violence.

OTHER OPTIONS TO BE CONSIDERED

Another option that might be suggested by parties who place a submission before the Committee would be, rather than setting out a banned slogan in an Act of Parliament, to consider allowing Regulations to prescribe such slogans. This would, some may suggest, allow for quicker changes to the law.

After some consideration ACC urges **against** such an expedient. The reason being that there is a risk for such intended Regulations not debated in Parliament to start to criminalise statements that are seen to 'upset' or 'offend' or 'insult'. Calls for physical violence must never be tolerated. It is inappropriate to place the making of these Regulations concerning such purely in the hands of public servants or Ministers of the government of the day could potentially create many inroads into free speech and potentially, religious freedom.

ACC would therefore encourage the Committee to not extend the scope of ‘vilification’ laws in NSW in ways that further impair free speech and religious freedom. I have made it clear that ACC supports laws that make unlawful incitement to violence against persons because those people have (or do not have) a particular religion or race. However, on balance we do not support making specific ‘slogans’ unlawful for the reasons stated above, although ACC has great sympathy towards doing so.

Perhaps in the future, lessons can be learnt for Government that hasty legislation arising from events, even horrific events, cannot never be as effective as thought-out legislation based on broad community and stakeholder consultation and genuine policy development. This discussion of slogans – including the slogan subject to this submission – should have taken place when the first ‘protests’ took place and this unacceptable slogan was chanted by the crowd.

CONSTITUTIONAL EFFECT

The terms of reference refer to the possible effect of Constitution and the implied freedom of political communication. It seems clear that Section 116 of the Constitution, which prevents Commonwealth legislation unduly impairing free exercise of religion, would not have any effect on a law of NSW.

However, it is true that the implied freedom does impact State laws as evidenced in the related context of a law forbidding protests near places of public worship, held invalid in ***Lees v State of New South Wales* [2025] NSWSC 1209 (16 October 2025)**.

It is possible that a law banning use of specific slogans that are ‘directed at certain communities to intimidate those communities and instil fear or violence’ would be found to impair the freedom of political communication if those slogans have become part of political discourse around a topic.

To adopt the approach taken in the *Lees* case, one would need to consider the following issues:

- (a) Whether the purpose of the law is legitimate in the sense of being compatible with the maintenance of the constitutionally prescribed system of representative and responsible government. It seems here a purpose of suppressing violence meets this criterion.
- (b) Whether the law is reasonably appropriate and adapted to advance that purpose in a manner that is compatible with maintenance of the constitutionally prescribed system of government, taking into account a ‘structured proportionality’ approach. One could argue that targeting specific phrases goes beyond what is necessary to achieve the goals of Parliament, when a general law against comments that incite violence would be sufficient.

This submission argues that a law of NSW outlawing specific phrases that have become part of a political discourse, may indeed unduly impair the implied freedom of political communication.

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