

**Submission  
No 30**

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

**Organisation:** Baramadagal Darug Tribal Governing Council

**Date Received:** 10 January 2026



**BARAMADAGAL DARUG**  
TRIBAL GOVERNING COUNCIL

Parliament of New South Wales  
Lodged via Parliament of New South Wales online portal

SUBMISSION TO THE NSW PARLIAMENT ENQUIRY INTO BANNING PROTEST  
SLOGANS

**10 January 2026**

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## INTRODUCTION

We make this submission as the Baramadagal Darug Tribal Governing Council, the Traditional Owner group of Parramatta, also known as Baramada. Our stories, responsibilities, languages, waterways, and ceremonial practices are bound to this land and river system.

For clarity, we use “Traditional Owners” and “Traditional Custodians” interchangeably. In this context, both refer to the Reid Goldspink family, who are Baramadagal Darug people, many of whom hold cultural authority and responsibilities, as well as ancestral connection to this Country and whose people have lived with the consequences of laws being used to restrict political speech, protest, and resistance.

We oppose proposals to ban or criminalise political slogans, including phrases such as “globalise the intifada” and “from the river to the sea”. Banning political language undermines protest rights, disproportionately impacts racialised and Indigenous communities, and weakens democratic participation in the colonial state known as New South Wales (NSW).

For Aboriginal and Torres Strait peoples, protest and political speech have long been necessary tools for survival, for asserting sovereignty, and for challenging dispossession, violence, and discriminatory state action.

## COMMUNITY COHESION AND SAFETY

There is no evidence that the use of the slogans referenced in this inquiry, in and of themselves, poses a threat to community safety. In practice, they are used in peaceful protests to express political opposition, solidarity, and calls for justice.

From our perspective, claims about “community cohesion” have historically been used to delegitimise Indigenous resistance and discourage public dissent. Experience shows that suppressing political expression does not build cohesion, it entrenches mistrust and deepens harm.

Time has shown, silencing one community’s political expression is more likely to increase division than promote whole-community safety.

## CLAIMS THAT SLOGANS ARE “INHERENTLY HATEFUL”

The slogans cited in this inquiry have contested meanings and are used differently depending on political, cultural, and historical context. Declaring them “inherently hateful” avoids any meaningful assessment of intent, context, or actual harm.

Aboriginal and Torres Strait Islander peoples are familiar with political resistance being reframed as threatening or extremist. This inquiry risks repeating that pattern by blurring political expression into acts

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causing offence or disagreement, and political expression should not be confused with criminal conduct. Restrictions on speech should apply only where there is a genuine threat, intimidation, or violence.

## PROTECTING COMMUNITIES FROM HATRED, INTIMIDATION, AND VIOLENCE

We strongly support protecting all communities from hatred, intimidation, and violence. NSW already has criminal laws that address incitement to violence, threats, harassment, and public order offences. These laws focus on conduct rather than political content and include appropriate safeguards.

We strongly disagree that the slogans subject to this Inquiry are forms of hatred, intimidation and violence. Creating new offences to ban political slogans is unnecessary and risks expanding criminalisation without improving safety, particularly for communities already subject to disproportionate policing.

## BETTER APPROACHES THAN BANNING SLOGANS

Education, dialogue, anti-racism initiatives, and **proper** use of existing criminal law are more effective responses to harm than banning words or phrases.

In our view, prohibition-based approaches have rarely resolved broader community tensions. They tend to escalate tension, widen police discretion, and further criminalise communities already under surveillance. We believe slogan bans are likely to inflame the political climate rather than ensure rightful community expression and healing.

## IMPACT ON ABORIGINAL AND TORRES STRAIT ISLANDER RIGHTS

These proposed reforms raise serious concerns for Aboriginal and Torres Strait Islander rights, including the rights to political expression, protest, self-determination and practice of solidarities.

Indigenous peoples have historically relied on protest and public political expression to assert land rights, challenge discriminatory laws, and hold governments accountable for violence and dispossession. Many forms of resistance now recognised as legitimate were once treated as unlawful or threatening.

Any expansion of laws regulating political language risks disproportionately affecting Indigenous peoples, particularly where enforcement relies on police discretion. Aboriginal communities already experience over-policing and disproportionate contact with the criminal justice system.

There is a real risk that these reforms could be used to suppress Aboriginal and Torres Strait Islander advocacy challenging state authority, including protest relating to land, water, policing, incarceration, deaths in custody, and international solidarity.

## INDIGENOUS RIGHTS, SELF-DETERMINATION, AND UNDRIP

So-called Australia (Australia) is a signatory to the United Nations Declaration on the Rights of Indigenous

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Peoples (UNDRIP) and has committed to upholding its principles.

UNDRIP affirms Indigenous peoples' rights to self-determination (Article 3), to maintain political institutions and practices (Article 5), to be free from measures that undermine political identity and expression (Article 8), to be consulted on measures affecting them (Article 19), to maintain political systems (Article 20), and to determine identity and political affiliation (Article 33).

Political slogans and protest language are one core way Indigenous peoples exercise these rights publicly, particularly where other avenues for justice or participation are limited or ineffective. Criminalising or suppressing political language without cultural and historical context risks undermining these rights and conflicts with Australia's commitments under UNDRIP.

## INDIGENOUS SOLIDARITY, DIASPORA, AND CONSTITUTIONAL PROTECTIONS

We are Indigenous to this place. Palestinians are Indigenous to Palestine. Indigenous rights are held by virtue of Indigenous status, not by permission of the state, and not only when physically present on traditional lands.

Colonisation, forced removal, and displacement do not extinguish Indigenous identity or Indigenous rights. UNDRIP affirms that Indigenous peoples retain their collective rights whether on their lands or living in diaspora as a result of colonisation.

Expressions of solidarity between Indigenous peoples, including through protest, slogans, and political language, are therefore legitimate exercises of shared Indigenous rights.

In NSW, any law restricting political expression must also be compatible with the implied freedom of political communication under the Australian Constitution, which protects protest and discussion on political matters.

Attempts to suppress such expression risk denying the legitimacy of Indigenous expression both here and internationally.

## EXISTING LAWS ARE SUFFICIENT

Existing NSW and Commonwealth laws already address genuine threats to safety.

Expanding regulation into bans on political language risks inconsistent enforcement, overreach, and discriminatory outcomes without improving community safety.

## CONCLUSION AND RECOMMENDATIONS

We support the recommendations made in the Australia Palestine Advocacy Network (APAN) submission and recommend that the Committee:

1. Reject any proposal to ban or criminalise political slogans, including those associated with Palestinian advocacy.

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2. Abandon proposed bans on slogans such as “globalise the intifada” or “from the river to the sea”.
3. Recognise Palestinian symbols, slogans, and expressions of solidarity as protected political communication, not hate speech.
4. Ensure legislation distinguishes clearly between hate symbols and political expression opposing occupation, apartheid, or state violence.
5. Rely on existing criminal law to address genuine threats without expanding content-based regulation of speech.
6. Explicitly protect protest rights and political expression within NSW law.
7. Acknowledge and reject the racial discrimination inherent in selectively policing Palestinian and Indigenous political expression.
8. Ensure guidance to police and public authorities is content-neutral, evidence-based, and designed to prevent discriminatory enforcement.
9. Prioritise education and dialogue over expanded police powers or prohibitions.

**Submitted by:**

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*With specific acknowledgment to Community members: Julie Christian and Jayne Christian.*

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