

**Submission  
No 33**

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

**Organisation:** PSA Unionists for Palestine

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# *PSA Unionists for Palestine submission to the NSW Parliamentary Inquiry – “Measures to Prohibit Slogans that Incite Hatred”*

## Introduction

PSA Unionists for Palestine is a group of more than 80 public service unionists who support Palestinian self-determination, statehood and freedom, and who oppose the apartheid system currently in place in Israel and the Occupied Palestinian Territories, deliberate starvation of Palestinians in Gaza as a weapon of war by the state of Israel.<sup>1</sup> the genocide being conducted in Gaza by the Israeli Defence Force<sup>2</sup>, and the ethnic cleansing taking place in the West Bank.<sup>3</sup>

PSA Unionists for Palestine members have engaged in protest, letter writing, fund raising and organising on behalf of the Palestinian people. Our members include Palestinian-Australians, First Nations people, and descendants of settlers and more recent immigrants. Some of our members are Jewish. We advocate for Palestine as unionists because of the long tradition of unionists advocating for social justice not only for ourselves and our communities but for workers throughout the world.

We make this submission as members of a community organisation that has participated in many rallies and events where slogans have been used, and which would be directly impacted by any proposal to limit expressions of support for the Palestinian people. Given this, we request that our submission be published on the inquiry website.

## Lack of evidence that slogans threaten community cohesion

The terms of reference require the Committee to "inquire into and report on the use of slogans that are directed at certain communities to intimidate those communities and instill fear of violence". The Committee is asked to consider "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".

These terms of reference assume that, in NSW, slogans have been directed at certain communities to intimidate and instil fear of violence. They also assume that the phrase

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<sup>1</sup> <https://www.theguardian.com/world/2025/jul/31/the-mathematics-of-starvation-how-israel-caused-a-famine-in-gaza>)

<sup>2</sup> UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel [report](#) published 16 September 2025

<sup>3</sup> Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 [Press Release](#) published 18 March 2025

"globalise the intifada" poses a threat to community cohesion and safety. We reject these assumptions and submit that there is no evidence that hateful slogans have been directed at certain communities, or that the use of phrases like "globalise the intifada" poses a threat to community cohesion and safety.

A NSW Government press release on 20/12/2025 claimed that "Horrific recent events also show that the chant "globalise the intifada" is hate speech and encouraging of violence in our community. This chant will be banned alongside other hateful statements used to vilify and intimidate our community".<sup>4</sup>

Those recent events are, of course, the Bondi Beach mass-shooting tragedy of 14 December 2025. The NSW Government, however, has provided no evidence that the slogan "globalise the intifada" was ever used in NSW, and if it was, that the slogan has any link to the Bondi Beach tragedy or that the slogan encourages violence in our community more generally.

Members of PSA Unionists for Palestine have marched in the pro-Palestine anti-genocide rallies that have taken place in Sydney over the last two years. We can confirm that the slogan "globalise the intifada" has rarely, if ever, been used during those rallies. Also, there is no evidence that the alleged murderers ever attended the pro-Palestine anti-genocide rallies or were associated with the Australian pro-Palestine movement.

We are concerned that the wording of the inquiry's terms of reference assumes that the phrase "globalise the intifada" poses a threat to community safety and cohesion; and that this phrase is "so inherently hateful by (its) nature that it leads to incitement of hatred and threaten(s) community safety". There is no logical basis for this assumption. "Globalise the intifada" is a call for action against oppression, not an incitement to violence or hatred.

## Slogans used constitute political speech and do not threaten safety or cohesion

The word "intifada" has been used at pro-Palestine anti-genocide rallies. "Intifada" is an Arabic word meaning "uprising" or "shaking off" and it does not necessarily refer to violence.<sup>5</sup> When used by pro-Palestine protesters, "intifada" is an expression of solidarity with the Palestinian people and their resistance to occupation, ethnic cleansing and genocide.

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<sup>4</sup> <https://www.nsw.gov.au/ministerial-releases/nsw-government-to-crack-down-further-on-hateful-symbols-and-slogans>

<sup>5</sup> <https://www.theguardian.com/australia-news/2025/dec/23/globalise-the-intifada-meaning-translation-palestinian-protest-chant-ban-nsw>

"From the river to the sea, Palestine will be free" conveys an aspiration for freedom, human rights and peaceful coexistence.<sup>6</sup>

These expressions and other similar expressions refer to a political stance concerning the Israeli-Palestinian conflict. They articulate opposition to occupation, apartheid and oppression. They are consistent with the United Nations Resolution 45/130, which confirms that the Palestinian people have the inalienable right to self-determination, sovereignty, independence and return to Palestine.<sup>7</sup> That resolution confirms that occupied peoples have the right to resist occupation, as does the Fourth Geneva Convention. This right is subject to other rules of international law, for example, that civilians should not be targeted.

Slogans chanted by pro-Palestine protesters are not directed at any particular community in NSW. They are often directed to the Prime Minister of Israel, Benjamin Netanyahu, who is ultimately responsible for the genocide in Gaza. They are often directed to the Prime Minister of Australia, for his failure to end the two-way weapons trade with Israel and to impose comprehensive sanctions on the State of Israel, as is our responsibility under international law. They are often directed to the Israeli Defence Force, which is carrying out the genocide. Slogans and chants are never directed at the Jewish people of Australia or anywhere else. Many Jewish people join and speak at the pro-Palestinian anti-genocide protests. The protests are inclusive, welcoming, and safe. As Judge Rigg said "PAG [Palestine Action Group] believes in the power of numbers and has worked hard to try to build a mass peaceful protest movement which embraces all who want to be part of it. Ground rules for protests are well established, with no racism of any kind, including antisemitism. This message has been put forward repeatedly through social media event pages and announcements at the protests. PAG have endeavoured to create environments where families, including children, can be confident to participate; and have always sought to avoid any confrontation, whether with police or individuals who seek to provoke any trouble".<sup>8</sup>

We acknowledge that community cohesion and safety is a significant concern, particularly after the Bondi Beach tragedy. The slogans chanted by pro-Palestine protesters, however, do not threaten community cohesion and safety. They are an expression of solidarity against oppression, and express a political opinion. We acknowledge that many Australians disagree with that political stance; however, differences of opinion about the Israeli Government do not amount to an attack on cohesion—it is normal and inevitable that citizens will disagree.

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<sup>6</sup> <https://theconversation.com/from-the-river-to-the-sea-a-palestinian-historian-explores-the-meaning-and-intent-of-scrutinized-slogan-217491>

<sup>7</sup> <https://www.un.org/unispal/document/auto-insert-184801/>

<sup>8</sup> *Police v Joshua Lees* [2025] NSWSC 858, [23]

## The public interest in freedom of expression is very high

In August 2025, the NSW Police applied to the Supreme Court for an order prohibiting a pro-Palestine rally. Her Honour Justice Belinda Rigg refused the application. She said that the purpose of the *Summary Offences Act* was to "strike a balance between competing rights - the right, jealously guarded, of the citizen to exercise freedom of speech and assembly integral to a democratic system of government and way of life, and the right of other citizens not to have their own activities impeded or obstructed or curtailed by the exercise of those rights."<sup>9</sup> She also indicated that "The public interest in freedom of expression and assembly at this time, in the manner contemplated, for the reasons advanced, is very high".<sup>10</sup>

## Characterising Arabic words as hateful relies on racist stereotypes

Both the Ministerial press release of 20 December 2025 and the terms of reference for this inquiry assume that the phrase "globalise the intifada" is hateful and intended to incite violence. Premier Chris Minns has been quoted as saying that the phrase amounts to "hateful, violent rhetoric".<sup>11</sup> However, no evidence is supplied for these claims. The same Guardian article quotes David Slucki saying that the phrase is "offensive and threatening", and Andre Oboler saying that the phrase is "pro-terrorism" - but it is unclear whether either of these people speak Arabic or have any linguistic or cultural expertise in this area.

On the other hand, Liyana Kayali, an expert in Middle Eastern studies at the University of Sydney says that the communities that use the phrases under discussion will consider banning the phrases "as attacks – attacks on their language, history, and their legitimate calls for struggle against oppression, and that does a great deal of harm".

We are concerned that the assumptions made by Premier Minns, David Slucki and Andre Oboler appear to rely on stereotypes about Arabic-speaking Muslim people. Dr Derya Iner's report, *Islamophobia in Australia* said that "Globally and locally, Islamophobia is not idiosyncratic but increasingly enshrined in racist ideologies and spurred on by the conflation of Islam with terrorism".<sup>12</sup> Media coverage of Muslim Australians is disproportionately focussed on radicalisation and terrorism.<sup>13</sup> Victims of Islamophobic

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<sup>9</sup> *Police v Joshua Lees* [2025] NSWSC 858 at [10]

<sup>10</sup> *Police v Joshua Lees* [2025] NSWSC 858 at [67]

<sup>11</sup> <https://www.theguardian.com/australia-news/2025/dec/23/globalise-the-intifada-meaning-translation-palestinian-protest-chant-ban-nsw>

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[https://researchoutput.csu.edu.au/ws/portalfiles/portal/300124390/21572292\\_published\\_report\\_2023.pdf](https://researchoutput.csu.edu.au/ws/portalfiles/portal/300124390/21572292_published_report_2023.pdf)

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[https://researchoutput.csu.edu.au/ws/portalfiles/portal/300124390/21572292\\_published\\_report\\_2023.pdf](https://researchoutput.csu.edu.au/ws/portalfiles/portal/300124390/21572292_published_report_2023.pdf)  
at p34.

incidents reports to the Islamophobia Register frequently report verbal abuse involving reference to bombing and terrorism.<sup>14</sup>

Prohibiting a slogan on the basis that it is "hateful" both relies on and perpetuates racist stereotypes of Arabs and Muslims as violent. It would also send a message to the Arabic-speaking Australian community that the government does not understand their language and is willing to legislate based on the misreadings and misunderstandings of other members of the community. This would undermine the social cohesion that the Parliament should be protecting.

Aftab Malik, the Special Envoy to Combat Islamophobia, reported that incidents of Islamophobia have surged since the Bondi Beach tragedy.<sup>15</sup> Seven young Muslim men were arrested in the days after the Bondi Beach tragedy and then released without charge. Teachers and students have also experienced anti-Palestinian racism.<sup>16</sup>

Since 9/11, extraordinary levels of anti-Muslim and anti-Arab racism have persisted in our community and internationally, from news media depictions to popular film and television, to the rhetoric of politicians and political players. In this climate, Palestinians were consistently dehumanised. A recent high-profile example of how acceptable anti-Arab racism has become in the mainstream media was the 2024 blog post by Thomas Friedman published in the New York Times - one of the most highly respected publications internationally and in many eyes the gold standard of media - in which Friedman compared the Middle East to the "animal kingdom" and "jungle" - specifically likening its people to insects and parasites to justify the genocide being conducted by the Israeli State in Gaza, Palestine. The article was widely criticised as anti-Arab anti-Palestinian racism and a grave example of Orientalism that dehumanises Arabs and Palestinians so people in the West will consent to genocide (<https://www.middleeasteye.net/news/op-eds-new-york-times-wsj-social-media-flurry-over-anti-arab-racism>).

## NSW law already prohibits incitement of hatred on the grounds of race

In NSW, 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.<sup>17</sup>

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[https://researchoutput.csu.edu.au/ws/portalfiles/portal/300124390/21572292\\_published\\_report\\_2023.pdf](https://researchoutput.csu.edu.au/ws/portalfiles/portal/300124390/21572292_published_report_2023.pdf)  
at p53

<sup>15</sup> <https://www.theguardian.com/commentisfree/2026/jan/02/islamophobia-surged-bondi-attack-australia-muslim-community-ntwnfb>

<sup>16</sup> <https://www.abc.net.au/news/2025-09-26/report-into-anti-palestinian-racism-in-schools-students-teachers/105809084>

<sup>17</sup> *Anti-Discrimination Act 1977* (NSW) section 20C

It is also an offence to, by a public act, intentionally incite hatred towards another person or a group of persons on the grounds of race, and the public act would make a reasonable person fear harassment, intimidation, violence, or fear for their safety.<sup>18</sup>

The federal law also prohibits advocating force or violence against groups where the target group is distinguished by race, religion or other protected attributes: *Criminal Code* (Cth) section 80.2A.

Existing statutes already cover direct incitement to violence. Introducing additional prohibitions would duplicate and potentially overreach the current framework.

If the slogans chanted at the pro-Palestine rallies incited violence or hatred, then action could be taken, either in the Anti-Discrimination Tribunal, the Australian Human Rights Commission, or by the NSW Police in the criminal courts. The fact that no such action has been taken indicates that the slogans do not incite hatred.

### Laws should be framed in general terms

Laws restricting speech, if they are necessary, should be framed in terms of the effect or impact of the prohibited speech - as the *Anti-Discrimination Act* and the *Crimes Act* are. A law that is framed in terms of a list of prohibited slogans is unsatisfactory for two reasons:

- 1) it is very easy to evade the law by using slogans that are similar but not the same as those that are prohibited, and
- 2) a list of prohibited slogans will at best appear arbitrary. At worst, it could appear to be an effort to silence a particular political viewpoint (see further below).

Framing laws about hateful speech in general terms is a better approach because words that incite hatred or violence are criminalised regardless of the precise words used. It also means that a court is the final arbiter of whether the particular words spoken are unlawful. It is appropriate in these highly contested and political matters for the court to be the final arbiter, rather than for Parliament to attempt to control the outcome of these matters.

### Do the proposed laws target a particular political position?

The only example of a 'hateful slogan' that is proposed to be banned is "globalise the intifada". The focus on this slogan, which is associated with the Palestinian cause, and the simultaneous restrictions on protest, which are clearly aimed at the pro-Palestine rallies, raise an inference that the laws are actually intended to silence advocates of freedom for Palestinians - and to silence criticism of the State of Israel. The Inquiry should be aware that slogans used at protests containing words such as "Intifada", "Free

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<sup>18</sup> *Crimes Act 1900* (NSW) section 93ZAA

Palestine", "From the river to the sea, Palestine will be free" and similar are not used to target any Australian community but to criticise the State of Israel, to denounce the crimes of occupation and genocide, and to express solidarity with an oppressed people. As long as the occupation and genocide exist, Australians will express solidarity with the victims, and attempting to silence these expressions will spark creativity and innovation in the community to reproduce the same core messages with different words.

If the intention and effect of the proposed law is to silence a particular political position, then the law is likely to be unconstitutional - see further below.

### Proposed restrictions are unconstitutional

The Australian Constitution protects our freedom of communication on political and governmental matters: *Australian Capital Television Ltd v Commonwealth* (1992) 177 CLR 106.

Slogans used during pro-Palestine rallies relate to foreign policy and human rights—these are core political matters. Any law that restricts such expression must have a legitimate end that is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government. It also must be reasonably appropriate and adapted to achieving that legitimate object or end: *Lange v ABC* (1997) 189 CLR 520.

Prohibiting the use of certain slogans that have been used to express solidarity with Palestinians is not likely to be seen as "appropriate and adapted" to achieving the end of repressing hate speech and promoting community cohesion. Instead, it could be characterised as attempting to silence particular voices in the community.

### Alternative approaches

PSA Unionists for Palestine acknowledge the need to protect communities from hatred, intimidation and violence. The Bondi Beach attack, other antisemitic attacks, the ongoing and systemic racism against Indigenous Australians, and the surge in Islamophobic incidents are evidence of that need. Banning certain pro-Palestine phrases, however, is not a rational or effective strategy to improve social cohesion. Other options should be explored. For example, initiatives to foster mutual understanding between communities, while respecting dissent, could contribute to calm and cohesion. Genuine hate speech that incites hatred or violence on the basis of race or religion should be vigorously investigated and prosecuted.

### Conclusion

The evidence demonstrates that slogans such as "globalise the intifada", "From the river to the sea" and "Free Palestine" are legitimate political expressions rooted in recognised rights to critique occupation and to demand self-determination. These phrases are not

inherently hateful and should not be restricted. Prohibiting their use would contravene the implied constitutional freedom of political communication.

Consequently, the NSW Parliament should reject any blanket prohibition and rely on existing legal tools where genuine incitement occurs. This balanced approach protects communities from real hatred while preserving the essential democratic right to political speech.