

**Submission
No 41**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Trans Justice Sydney

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Submission to the Inquiry on Measures to Prohibit Slogans That Incite Hatred

Legislative Assembly Committee on Law and Safety

by Dr Rory Gillard, Trans Justice Sydney

12 January 2026

Acknowledgement of Country

Trans Justice Sydney acknowledge that we organise, campaign, and connect on stolen Aboriginal lands. This submission was written on the lands of the Wangal, Bidjigal and Kamaygal peoples, and we would like to pay our respects to their Elders past and present. We especially want to acknowledge Brotherboys, Sistergirls, and First Nations trans and gender diverse people broadly, who continue to lead the way in making change for trans and gender diverse communities. Australia always was, and always will be, Aboriginal land.

About Trans Justice Sydney

Trans Justice Sydney is a volunteer run, location-specific network of the larger Trans Justice Project. The Trans Justice Project is a continent-wide, trans and gender diverse-led organisation whose mission is to push back against anti-trans rhetoric and organising, and build a powerful movement working for freedom, justice and equality for all trans and gender diverse people. We work together with loved ones and allies to bring about a future where all trans and gender diverse people are safe, celebrated, and free.

Introduction

In this submission, Trans Justice Sydney explores the necessity of protecting Palestinian people's political communication, protecting the right to protest, and addressing forms of hatred and intimidation via non law and order responses. Such responses include education, better protection for human rights, fostering solidarity between communities and alternative first responders to the police. Some of the forms of hatred and violence we explore in this submission relates to racism experienced by First Nations people, antisemitism, Islamophobia, and discrimination against trans and gender diverse people. The freedom to protest and the freedom of political communication have historically been, and continue to be, crucial to bringing about better futures for trans and gender diverse communities, in addition to communities that intersect with our own, and that we stand in solidarity with. These are but some of the reasons that we do support the anti-protest legislation introduced by the *Terrorism and Other Legislation Amendment Act 2025* (NSW).

Summary of recommendations

Recommendation 1: decision makers abandon attempts to ban terms and phrases like 'intifada', 'globalise the intifada' and 'From the River to the Sea, Palestine will be Free'.

Recommendation 2: Palestinian symbols and expressions be recognised as political communication that is protected, as opposed to hate speech.

Recommendation 3: that the NSW Government recognise that selectively policing political expression by Palestinian communities is racist and must be rejected.

Recommendation 4: Respect for First Nations sovereignty (including through reparations, land being returned and self-determination) is needed as one approach amongst others

to address racism against First Nations communities (Allison et al., 2025, pp. 84, 85).

Recommendation 5: implement the Human Rights Commission's Anti-Racism Framework.

Recommendation 6: government investment in evidence based, early intervention and prevention approaches to recruitment to far-right extremist groups in Australia that address the underlying causes of racism.

Recommendation 7: that antisemitism is understood and addressed in relation to broader, intersecting instances of racism and oppression in Australia, rather than being treated as stand-alone and exceptional.

Recommendation 8: NSW Parliament conduct an inquiry into a Human Rights Act for NSW to ensure broad-scale community input into the Bill.

Recommendation 9: a federal Human Rights Act be introduced in Australia.

Recommendation 10: that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) be implemented in Australia.

Recommendation 11: education (as one tool amongst others) is needed to address hatred and violence, including in relation to racism faced by First Nations communities, Islamophobia, antisemitism and discrimination faced by trans and gender diverse communities.

Recommendation 12: solidarity and relationship building across communities are needed to address hatred and violence.

Recommendation 13: government support for alternative first responders to the police.

Recommendation 14: that policy and law makers not support reactionary criminalisation approaches to addressing hatred and violence, and instead adopt evidence-based approaches that are mindful of scholarly and community critiques of hate crimes legislation.

Recommendation 15: that a Bill be introduced to reverse the anti-protest component of the *Terrorism and Other Legislation Amendment Act 2025 (NSW)* (encompassed in schedules 4-6).

Recommendation 16: that the government not implement Jilian Segal's Report of the Special Envoy into Antisemitism.

Concerns with this inquiry

Before addressing the Terms of Reference, we discuss concerns regarding this inquiry. We are concerned about the lack of advertising that this inquiry has received. This inquiry was not advertised on the NSW Parliament social media in late December when the inquiry was

announced, which stifles genuine community input that could be received.

We are also concerned with the tight timeframe provided for feedback (3 weeks), of which the majority falls over the holiday shutdown break. This stymies the capacity of organisations, individuals and groups to provide genuine input. The fact that the Committee is being asked to report on the inquiry by the end of January 2026 provides two weeks to read submissions, thematically analyse them, and for Committee members to deliberate and agree on the contents of the report, which is inadequate. Such tight timeframes suggest that this inquiry has been created to give the illusion of community consultation when the genuine opportunity for this has not, in fact, been provided.

Response to the Terms of reference

- a) 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;**

The term intifada and its usage

As Palestinian scholar and organiser Sherena Razek explains, the term ‘intifada’ is, ‘defined in Arabic as uprising, or a literal “shaking off”’ (Razek, 2025, p. 95). Al Jazeera staff and news agencies explain: ‘In the Palestinian context, the word is understood to mean civil uprising against military occupation and illegal settlement expansion’ (Al Jazeera, 2025).

The term intifada is not just used by movements for Palestinian liberation, but by other communities facing oppression also (Mashni, 2025; Kaukovic, 2024). Nasser Mashni, President of the Australian Palestine Action Network (APAN), explains that, but for a few months before the end of 2025, the online United States Holocaust Museum described the Warsaw uprising against the genocide in Germany in the 1940’s as the ‘Warsaw intifada’ (Mashni, 2025). ‘Intifada’ has also been used in the context of civil uprising in Tunisia (Kaukovic, 2024). This highlights the significance of the term for different communities globally to challenge oppressive and violent contexts.

We do not support banning the term ‘intifada’ or ‘globalise the intifada’

We do not support banning the term ‘intifada’ or ‘globalise the intifada’. Notably, there is no evidence that using the term intifada threatens community safety or that banning the term would have any effect on reducing the risk of violence in Australia. Additionally, banning such terms would impinge on the implied Constitutional right to freedom of political communication, recognising the significance of the term in resisting oppression.

Troubling the terms ‘social cohesion’ and ‘social harmony’

The aspirations of social cohesion and harmony themselves need to be interrogated for the way they paper over inequity. The reality is that social inequity and the lack of safety

experienced by minoritised and disadvantaged communities riddle Australian society. This includes First Nations communities experiencing growing violence at the hands of law enforcement (Brennan, 2025); trans and gender diverse communities being banned from accessing gender affirming care in Queensland (Jupp, 2025), and being banned from prisons that do not align with their gender in the Northern Territory in 2025 (Sargeant, 2025); and people experiencing long term homelessness because waiting lists for public housing in areas of Sydney (for instance Parramatta or Baulkham Hills) are 10 years or more (DCJ Statistics, 2024). Importantly, in critiquing the Labor party's aspiration of 'social cohesion', writer Dr Jeff Sparrow says, 'any movement for change must begin with an acknowledgement of inequality, of division, of struggle' (Sparrow, 2024). In Sparrow's reading, as with ours, aspiring to social cohesion or harmony, given the current status quo, gaslights vast societal inequities. To address these inequities, the government needs to at least recognise that they exist and genuinely understand how they impact the safety of oppressed communities, cause divisions in society, and set to work addressing social inequities. Such work should be the focus of governments, not a microscopic focus on Arabic terminology that has no links to the Bondi massacre.

The inequitable dynamic of whose language is permitted in public discourse

The government's attempt to ban the term 'intifada' also speaks to the way Arabic terminology is rendered suspect and impermissible in a way that English language terms are not. Palestinian author and poet Mohammed El-Kurd explores how the language Palestinian people use is scrutinised and othered by those who have no understanding of it, or no will to understand it (El-Kurd 2025). Indeed, he explains:

we are often admonished by critics who are illiterate, or purport to be illiterate in our language. Too frequently, our words and phrases are maligned by dem deletants, who do not know their definitions to begin with. Or worse, by those who readily obfuscate the regional and historical contexts of specific expressions in order to pathologise them. *Their hostile inquisitions do not seek meaning* (El-Kurd 2025, italics added).

His statement that, 'their hostile inquisitions do not seek meaning' is significant to reflect on in relation to attempts to ban the term 'intifada' (or a variation thereof) in the Australian and UK contexts, as they highlight that those decision makers who scrutinise terms like 'intifada' are not in fact interested in understanding them or their historical significance, but are instead ideologically invested in pathologising them.

While part of this inquiry is dedicated to investigating the term 'intifada' as a form of hate speech, [REDACTED]

[REDACTED] no legislative attempts have been made to ban English language slogans that actually do incite hatred, like the racist phrases, 'fuck off, we're full', in addition to, 'go back to where you came from' [REDACTED] This highlights the

inequitable and racist scrutiny that is placed on Arabic terminology in comparison to English language terminology.

Recommendation 1: decision makers abandon attempts to ban terms and phrases like 'intifada', 'globalise the intifada' and 'From the River to the Sea, Palestine will be Free'.

Recommendation 2: Palestinian symbols and expressions should be recognised as political communication that is protected as opposed to hate speech.

Recommendation 3: that the NSW Government recognise that selectively policing political expression by Palestinian communities is racist and must be rejected.

b) 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;

Slogans referenced in this inquiry- like 'globalise the intifada' (discussed in the preceding question)- are not 'inherently hateful', nor do they threaten community safety. We are familiar with the term intifada being used at peaceful protests in Sydney, NSW, to communicate resistance to the genocide in Gaza, solidarity and the need for justice for Palestinian and Lebanese people impacted by Israel's war crimes.

In section C we explore ways to address genuine instances of hatred and threats to community safety.

c) The need to protect communities from hatred, intimidation and violence;

Hatred and violence faced by a range of communities in Australia necessitate changes to the status quo. Based in particular on recommendations from affected communities, we highlight approaches to addressing hatred and violence below.

Respect for First Nations Sovereignty

We highlight that the latest report from Australia's 'Call it Out' Register, which tracks racism against First Nations communities, shows respect for First Nations sovereignty is a top way that First Nations people who self-reported racism would like to see racism addressed in Australia (Allison et al., 2025, p.83). The report's title 'Everywhere I go no matter where, if it's around non-Indigenous people I feel a hate vibe. It feels like I'm being watched' is derived from a contribution by a young Aboriginal person to the Register; it highlights the extent of racism experienced and the need for more action to address racism against First Nations people. One of the top suggested solutions to addressing racism-respect for sovereignty- included reparations for First Nations communities, land being returned and self-determination for First Nations peoples in the report.

Recommendation 4: Respect for First Nations sovereignty (including through reparations, land being returned and self-determination) is needed as one approach amongst others to address racism against First Nations communities (Allison et al., 2025, pp. 84, 85).

Implementing the Australian Human Rights Commission's Anti-Racism Framework

We support calls by groups like the Australian Palestine Action Network (APAN), Loud Jew Collective, Democracy in Colour, the Jewish Council of Australia and The Greens for the implementation of the Anti-Racism Framework by the Australian Human Rights Commission to address racism and hatred (APAN et al. 2025). As APAN and fellow groups like the Jewish Council of Australia explain, the framework, 'recognises and seeks to address the colonial underpinnings of systemic racism, as well as the full spectrum of realities, manifestations and impacts of racism in this country' (APAN et al. 2025).

Recommendation 5: implementation of the Human Rights Commission's Anti-Racism Framework.

Addressing far-right extremist violence

We recognise troubling manifestations of Neo-Nazi actions across NSW, and support evidence-based approaches to addressing far-right extremism. Manifestations of Neo-Nazi actions include a demonstration outside of NSW Parliament in November 2025, demonstrations at war memorials in Albury and Corowa, and 30 masked Neo-Nazis attending and threatening a pride film night in Albury in 2024 (Cohn, 2025). We support calls by groups like the Jewish Council of Australia to address far-right extremism via investing in early intervention and prevention approaches that are evidence-based and address the underlying causes of racism (Edwards, 2025, p.40; Jewish Council of Australia, 2025b, p.7).

Recommendation 6: government investment in evidence-based, early intervention and prevention approaches to recruitment to far-right extremist groups in Australia that address the underlying causes of racism.

Not treating antisemitism as exceptional

We highlight calls by Jewish groups like Jews Against the Occupation '48 and the Jewish Council of Australia to not treat antisemitism as exceptional compared to other forms of hate in Australia (Jews Against the Occupation, 2025, p. 6; Jewish Council of Australia, 2025b, p. 2). One of the concerns with treating antisemitism as exceptional is that it fails to account for the intersectionality between antisemitism and other forms of oppression and racism, and thus inhibits, as the Jewish Council of Australia puts it, 'broader anti-racist work' (Jewish Council of Australia, 2025, p. 7). The necessity of engaging in broader anti-racist work is clear in the concerning rise in racism against a range of communities in Australia. For instance, according to the Islamophobia Register Australia, there has been a reported 740% increase in Islamophobia since the Bondi massacre (Malik, 2026). Reconciliation Australia

also reports a rise in racism against First Nations communities, with, ‘54% of respondents having experienced racism in 2024 compared to 39% in 2014’ (Reconciliation Australia, 2025). Such figures are concerning and highlight that antisemitism is part of broader ecosystem of hatred in Australia that needs to be addressed. Another concern regarding treating antisemitism as exceptional, as articulated by the Jewish Council of Australia and Jews Against the Occupation, is that it ultimately makes Jewish people less safe (Jews Against the Occupation, 2025, p. 6; Jewish Council of Australia, 2025b, p. 2)- for instance, via pitting communities who experience racism against one another (Jewish Council of Australia, 2025b, p. 2).

Recommendation 7: that antisemitism is understood and addressed in relation to broader, intersecting instances of racism and oppression in Australia, rather than being treated as stand alone and exceptional.

Improving Human Rights Protections

There are notable gaps in human rights protections in Australia that would help combat hatred and violence against minoritised and disadvantaged communities. There is currently no Human Rights Act in NSW to cement international human rights obligations on the ground in the state, or to require a ‘statement of compatibility’ regarding how new legislation in NSW abides by human rights. Trans Justice Sydney supports the call from organisations and individuals across NSW for an inquiry into a Human Rights Act in NSW to seek broad community input into what should be included in the Act to progress its development (Australian Lawyers for Human Rights, 2025). We also support calls by numerous First Nations-led organisations and advocates for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in Australia (Open letter to the Australian Parliament n.d.; Mohamed, 2022, p. 3; Thorpe, n.d.; Allison et al., 2025, p.87). While the Australian Government endorsed UNDRIP in 2009, it has not been implemented by any government in Australia (Thorpe, n.d.). UNDRIP includes crucial rights like the right to self-determination (Article 3) and the right to not be subjected to genocide and other violence (Article 7) (United Nations General Assembly, 2007). Addressing gaps in human rights protections at the state and federal levels would help combat hatred and violence.

Recommendation 8: NSW Parliament conduct an inquiry into a Human Rights Act for NSW to ensure broad-scale community input into the Bill.

Recommendation 9: a federal Human Rights Act be introduced in Australia.

Recommendation 10: that UNDRIP be implemented in Australia.

Education

We support calls by groups, researchers and community members for education to address societal hatred and violence (Allison et al., 2025, p. 84; Carland et al., 2025, p.57; Carlin, 2025, p.39; Edwards, 2025; Mason, 2025). We recognise that education is not a silver bullet

and must be part of a broader ecosystem of changes that occur to combat intimidation, hatred and violence (for example, see Allison et al., 2025, p. 85). Examples of calls for education to combat hatred in Australia include:

- Education to address racism against First Nations communities (Allison et al., 2025, pp. 83-84). Such education includes improving society's understanding of the culture and histories of First Nations people, community education about how to confront racism against First Nations people, and education to enhance people's understanding of the impacts of racism against First Nations communities (Allison et al., 2025, p. 84). Such recommendations are made in the latest report of the 'Call it Out' Register tracking racism against First Nations communities (Allison et al., 2025, p. 12).
- Education to combat Islamophobia in Australia (Carland et al., 2025, p.57). A report tracking experiences of Islamophobia lodged with the Islamophobia Register Australia makes the recommendation to, 'Educate the broader community about the psychological and emotional effects of Islamophobia' (Carland et al., 2025, p.57). The report also recommends that law enforcement is trained to recognise Islamophobia and take its reporting seriously (Carland et al., 2025, p.59). The report makes other educational recommendations, including: 'Awareness campaigns to increase Muslims' knowledge of reporting bodies and their rights under the law' (Carland et al., 2025, p.59).
- Consuming texts that support systems change, education and prevention when it comes to addressing antisemitism- a recommendation by the Jewish Council of Australia (Jewish Council of Australia, 2025b, p.4). Texts to support this work, recommended by the Council, include the book *Safety Through Solidarity: A Radical Guide to Fighting Antisemitism* by Shane Burley and Ben Lorber (2024) and the article 'Jews, antisemitism and power in Australia' by Max Kaiser (2024).

The responsibility of political leaders to educate the public

Rather than communicating an intention to ban terms like 'intifada' or 'globalise the intifada', NSW Premier Chris Minns has a responsibility to show political leadership by educating uninformed members of the public about the actual meaning of the terms. Casting suspicion around such terms and attempting to silence them, which Minns has done (Scott, E., Di Iorio, O. & Proust, 2025; SBS News, 2025), are themselves actions that incite hatred and fear in the community. We implore the Premier to show leadership by addressing incorrect and racist commentary about such terms, in addition to ceasing such commentary himself.

Education to combat hate and violence against trans and gender diverse people specifically
Trans and gender diverse communities experience a breadth of violence, discrimination and microaggressions in everyday life, which negatively impact mental health. Trans and gender diverse people commonly face having their identity/ies erased (such as through regularly being misgendered), intersectional discrimination (such as on the basis of being First Nations and gender diverse), and exclusion and discrimination in schools, workplaces and

healthcare services (Hill et al., 2021, p.131; Zwickl et al., 2024, p.24; Liddel-Hunt, 2023, pp.42-43, 56; Strauss et al., 2017, pp. 55-56).

There are numerous ways to help protect trans and gender diverse communities from hate, intimidation and violence via education in Australia. This includes through improving understanding about our communities in schools. LGBTQ+ issues and literature have been referred to as the 'null curriculum' in schools by educators, and 'null' here refers to that which is not taught (Beveridge, Murray & Gillard 2022). Additionally, in 2017, the federal government ceased funding support for Safe Schools in NSW, a program that educated students in NSW about sexuality and gender diversity (Haydar 2017). This program was replaced by a generalist anti-bullying program. The effect is ultimately less educational content within NSW schools on LGBTQ+ experiences, which fails to adequately combat discrimination against trans and gender diverse communities. QTopia Sydney, a centre for queer history and culture, created an LGBTQIA+ education program for rural and regional schools in NSW (Jupp, 2025a). However, teaching such content is not mandated, standardised practice. Funding for something similar to Safe Schools should be reinstated.

Beyond schools, we support reputable trans and gender diverse inclusion training in workplaces, and anti-discrimination education (for instance, through campaigns) to combat hate and violence against trans and gender diverse communities.

Recommendation 11: education (as one tool amongst others) is needed to address hatred and violence, including in relation to racism faced by First Nations communities, Islamophobia, antisemitism and discrimination faced by trans and gender diverse communities.

Solidarity and relationship building between different communities

Community groups, including the Jewish Council of Australia, have highlighted the importance of solidarity and relationship building between different communities and groups as a way of combatting hate in Australia (Edwards, 2025). One way the Jewish Council exhibited this work recently was through organising an interfaith and intercommunity vigil for the Bondi massacre victims in Melbourne/Naarm in late December 2025 (Jewish Council of Australia, 2025). Numerous community groups and members attended and spoke at the vigil, including Tarneen Onus Browne, a Gunditjmara, Yorta Yorta, Bindal and Meriam community organiser, Democracy in Colour, the Jewish Council of Australia, the Victorian Council of Churches, and the Islamic Council of Victoria. In its commentary on the event, the Jewish Council of Australia stated, 'We came together in solidarity to spread a message of unity and against the weaponisation of our grief to spread hate, Islamophobia and anti-Palestinian racism' (Jewish Council of Australia 2025a). Such a statement highlights the importance of solidarity and relationship building in addressing violence and hate.

Recommendation 12: solidarity and relationship building across communities are needed to address hatred and violence.

Alternative first responders to the police

Alternative first responders to the police are another preferred way to deal with issues like hatred, intimidation and violence in society. There are numerous reputable alternative first responder models. These include community and peer-based support for those experiencing a mental health crisis, and the diversion of emergency calls away from the police to programs that have less likelihood of causing harm (National Justice Project, 2025, pp. 13-14). One alternative to police intervention for First Nations communities experiencing violence are culturally appropriate domestic and family violence interventions (National Justice Project, 2025, p.12). The National Justice Project explains that such alternatives: ‘often reject Western frameworks of criminality and punishment, instead embracing culturally grounded approaches that prioritise self-determination and contextualise issues like mental health, homelessness, substance use, violence, and conflict within intergenerational trauma and ongoing colonial violence’ (National Justice Project, 2025, p.12).

One example of alternative first responders to the police that addresses violence directed at LGBTQ+ communities is Dykes on Bikes, a queer motorcycle group who, alongside the Vixen Motorcycle club, played a prominent role in protecting LGBTQ+ communities from violence from the 1980s in Sydney, NSW (Pepin-Neff, 2023). Recognising the role police have historically and continue to play in being perpetrators of violence against LGBTQ+ communities, and the lack of police action regarding LGBTQ+ hate crimes, the group would patrol the streets of Sydney on motorcycles late at night to ensure LGBTQ+ communities got home safe. More recently, Dykes on Bikes patrolled the entry of Trans and Gender Diverse Swim Day events in Sydney, NSW, to protect trans and gender diverse attendees from potential violence and harassment from those not in support of the events occurring.

Why alternative first responders to the police are needed

We advocate against police being normalised as first responders to instances of violence and community need, particularly recognising the ongoing violence perpetrated by police. For instance, we highlight that:

- In Victoria, ‘people who access mental health services are **six times more likely** than average to be fatally shot by police’ (National Justice Project, 2025, p. 5; Kesic, Thomas & Ogloff, 2010, bold added).
- Police disproportionately target First Nations communities, and there can be lethal consequences to First Nations people being held in police custody (National Justice Project, 2025, p. 6). 2025 saw the highest number of First Nations deaths in custody in NSW (Brennan, 2025), and there is a lack of accountability by law enforcement when First Nations deaths in custody do occur.

- LGBTQ+ communities have a historical and ongoing experience of being targeted by police. This includes because of a perceived failure to ascribe to cisnormative¹ and heteronormative² expectations (Fileborn, 2019, p.434; Dwyer, 2011, p.216; Mitchell et al., 2022, p.101). Such targeting is notably exacerbated for LGBTQ+ First Nations people and people of colour (Fileborn, 2019, p.434; Howerton et al., 2025; Phelan & Oxley, 2021, pp.19-20), due to the intersection of racism and LGBTQ+ discrimination.

Recommendation 13: more government support for alternative first responders to the police.

Caution against reactionary law and order responses

We do not support reactionary criminalisation approaches to addressing hateful rhetoric. Attempts to criminalise hate speech and slogans, for instance, by introducing or increasing carceral penalties for such actions, should be understood in relation to the fact that incarcerating people does not make communities safer (Russell et al., 2025; Spade, 2012, pp.6, 9). We say this recognising that incarcerating someone can make it more likely that they will return to prison (Aizer & Doyle, 2015, p.759), and that the rate of recidivism for adults in prison in NSW is 49% (Productivity Commission, 2025). Notably, 60% of people in prison in Australia have been there before (ABS, 2025). In addition to prisons being ineffective at bringing about behaviour change, they do not guarantee accountability. US grassroots organiser and educator Mariame Kaba, alongside Rachel Herzing, point out that incarcerating someone and that person taking accountability for their actions are not the same thing (Kaba & Herzing, 2021). For instance, someone could be incarcerated for years (for hate speech, say) and still not take accountability for their actions.

We also encourage criticality amongst law and policy makers around the knee-jerk use of hate crimes legislation to address hate against minoritised and disadvantaged communities. We say this recognising scholarly critique that shows hate crimes legislation to be ineffective (for example, see Lamble, n.d.; Spade, 2012, pp.6-7). One reason for its ineffectiveness is that it has an individualistic focus on ‘offenders’ that obfuscates and fails to take accountability for society’s role in creating and sustaining hateful and discriminatory views (Lamble, n.d., p.4). Secondly, the punitive response of hate crimes legislation can foster backlash (Lamble, n.d., p. 3). Thirdly, hate crimes legislation can be ineffective given its focus on stronger penalties, for instance, through incarceration, in addressing behaviour (Lamble, n.d., p.1). This is despite prisons being ineffective tools for bringing about

¹ ‘Cisnormativity’ refers to the way in which being cisgender is normalised and expected, which others and erases the experiences of trans and gender diverse people. ‘Cisgender’ refers to those whose gender is the same as that presumed of them at birth.

² Heteronormativity refers to the way in which heterosexuality, and other dominant, intersecting norms related to race, class and other vectors, are normalised and considered the status quo, othering and excluding those who do not fit within these expected norms.

behaviour change (as discussed). Scholar and organiser Sarah Lamble explains that prisons are not sites that foster behaviour change regarding hateful or discriminatory views, stating:

prisons are organised in ways that heighten social divisions and foster group-based animosities. In fact, as institutions that are rife with hostility, intolerance and discrimination, prison environments are frequently sites of hate group activity and recruitment – hardly the conditions that are likely to reduce prejudice or shift discriminatory attitudes (Lamble, n.d., p.3).

While we raise just some of the critiques of hate crimes legislation here, we encourage law and policy makers to seriously consider such critiques in developing considered and evidence-based ways of addressing hate speech and symbols in the community.

We also highlight that caution against reactionary law and order responses has been encouraged by groups like the Jewish Council of Australia (Edwards, 2025; Jewish Council of Australia, 2025, p. 4). Dr Michael Edwards of the Council has said that: ‘In general, we're not particularly supportive of law-and-order approaches. We don't think it's possible to arrest your way to ending antisemitism or other forms of racism’ (Edwards, 2025, p.40). Additionally, Dr Na'ama Carlin of the Council has said, ‘there are other ways of working together that don't necessitate legislation or a law-and-order response or rules around protests’ (Carlin, 2025, p. 39). Instead of law-and-order responses, we emphasise the numerous non-law-and-order approaches to addressing hatred and violence that we have provided in response to this point in the Terms of Reference.

Recommendation 14: that policy and law makers do not support reactionary criminalisation approaches to addressing hatred and violence, and instead adopt evidence-based approaches that are mindful of scholarly and community critiques of hate crimes legislation.

d) Australian and international examples of best practice to combat the use of such slogans, including measures and approaches taken in the United Kingdom;

We do not support the recent development of UK police arresting protestors for using the term ‘intifada’ in December 2025 (Al Jazeera, 2025), or bans on that term in Australia. There is no evidence linking this phrase to the Bondi Massacre. Palestinian people and their allies have the right to use Arabic terminology that communicates their resistance to oppression and the creation of decolonial futures. See our response to point C in the Terms of Reference, where we support calls for mechanisms to address hateful rhetoric that do not rely on reactionary law and order responses, but instead rely on mechanisms like education, alternative first responders to the police and early intervention approaches to addressing far-right radicalisation.

e) The Australian Constitution and the implied freedom of political communication;

We believe the new anti-protest legislation brought about by schedules 4 to 6 of the *Terrorism and Other Legislation Amendment Act 2025* (NSW) unnecessarily breach the implied freedom of political communication in the Constitution (Hanna, 2025), and we do not support it. As Labor politician Stephen Lawrence summarises in relation to the legislation: ‘Street processions, which are the essence of street protests, will be a crime. Static protests will be able to be moved on, and failure to comply will be a criminal offence’ (Lawrence, 2025). Concerningly, the Minns Labor government has a history of introducing anti-protest legislation that is unconstitutional and in breach of the implied right of political communication (see McKinnell & Goodwin, 2025; *Kvelde v State of New South Wales*, 2023). We support civil society organisations, such as the Blak Caucus, Jews Against the Occupation and Palestine Action Group Sydney, in their announced legal challenge of the anti-protest law introduced in NSW in December 2025 (Davies, 2025).

The significance of protest for LGBTQ+ communities

We passionately support the right of free political communication given the role protest has, and continues to play, for LGBTQ+ communities. This is clear in fellow LGBTQ+ groups like Community Action for Rainbow Rights (CARR) and the Mardi Gras 78’ers objecting to the new anti-protest legislation introduced in NSW in December 2025 (Murphy, 2025). The first Gay and Lesbian Mardi Gras in Sydney in 1978 was notably met with police brutality and LGBTQ+ community members having their identities outed in the media (First Mardi Gras Inc., n.d.), which was an attempt to silence the right of LGBTQ+ communities and allies to advocate for social change. One of the chants at the 1978 Mardi Gras, ‘stop police attacks on gays, women and Blacks’ (Clarke 2018, p. 17), highlighted community challenge to police violence faced by First Nations people, women and LGBTQ+ communities, which is ongoing. The parade was also a site of advocacy for the multi-issue politics orientating gay liberationists at the time, including feminist struggles, anti-Vietnam war movement advocacy (Soldatow & Tsiolkas, 1996, pp. 198-199), struggles against racism (Thomas, 2018, p. 15), anti-Imperialist advocacy, and the fight for Aboriginal rights (Clarke, 2018, p. 16; D’Cruz, 2013, pp. 68, 70). Protest has historically been a crucial way in which intersecting concerns of LGBTQ+ communities can be platformed- and is particularly significant when such concerns are ignored or face inaction by decision makers.

The significance of protest to trans and gender diverse communities is also clear in the present, and it is why we object to infringements on this right through unnecessary anti-protest legislation. Trans Justice Sydney regularly supports (through endorsement and attendance) protests organised by other community groups, including rallies for First Nations rights and Palestinian people’s freedom. Additionally, our group was involved in coordinating a protest against the ban on gender affirming care in Queensland in February 2025. As can be seen, the right to protest is particularly significant to our Network and LGBTQ+ communities broadly, and we do not support unjustified and reactionary

infringements on it through the *Terrorism and Other Legislation Amendment Act 2025* (NSW).

No link between the Bondi massacre and pro-Palestine protests

There is no link between the Bondi massacre and protest in NSW, including pro-Palestine protests, making the mentioned anti-protest legislation nonsensical and unfounded. Despite this, implied links have been drawn between protests in NSW and the Bondi massacre, including by parties like the special Envoy Against Antisemitism in Australia, Jilian Segal (Sky News Australia, 2025), and some in the Labor party, like Chris Minns and Penny Sharpe (Sharpe, 2025; McLeod & Convery, 2025). Palestine Action Group Sydney has rightfully responded to the implication of a connection that:

This is an outrageous claim, with absolutely no evidence to back it up. It is an insult to the millions of people around Australia, including thousands from the Jewish community, who have rightly opposed and demonstrated against Israel's genocide in Gaza. **This movement has always stood against antisemitism, has been organised in tandem with Jewish groups from the outset** (Palestine Action Group Sydney, 2025, bold added).

As a an organiser for Palestine Action Group Sydney, Josh Lees, has highlighted in relation to the anti-protest legislation, there is, 'no evidence at all to say that this is going to make anyone safer' (Davies, 2025). Ultimately, links being drawn between protest in NSW and the Bondi massacre are unfounded and fail to justify the anti-protest legislation.

The scarcity of declared terrorism incidents in NSW should not be used to justify anti-protest legislation

The fact that officially declared terrorist incidents are rare in NSW does not justify the newly introduced anti-protest legislation. Upon raising concern about the anti-protest legislation with their state representative in NSW, one of our Network members was reminded that the anti-protest law would only be applicable in instances of a declared terrorism incident, and that this had only occurred twice in the history of NSW- firstly, following the siege of the Lindt Café in 2014, and secondly following the Bondi Massacre. This is not reassuring to our Network and misses the point that there is no evidenced link between protest and declared terrorist incidents, meaning the legislation lacks an evidence base to justify it. We also find it concerning that the legislation will make First Nations organisers and participants involved in protests against First Nations Deaths in custody on January 18, and for Invasion Day/Survival Day on January 26 in Sydney, NSW, even more exposed to police violence, arrest and at risk of acquiring a criminal record (Goodwin & Kozaki, 2025).

Recommendation 15: that a Bill be introduced to reverse the anti-protest component of the *Terrorism and Other Legislation Amendment Act 2025* (encompassed in schedules 4, 5 and 6).

f) Existing offences and other measures in New South Wales and Commonwealth legislation, including offences and measures that have been announced; and

Beyond inhibiting the implied Constitutional freedom of political communication, we have other concerns regarding the anti-protest component of the *Terrorism and Other Legislation Amendment Act 2025* (NSW). One concern is that it is a breach of international human rights law, in particular, the right to freedom of assembly and association stipulated in articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) (Lawrence 2025).

A second concern is the way the legislation constrains the capacity of immunocompromised people and some who have disabilities to participate in protest (University of Sydney Disabilities Collective, 2025). Notably, Schedule 4[1] of the Act permits police officers to require face coverings are removed if, 'the officer reasonably suspects the person may have, or is likely to, commit an offence'. The penalty for failure to comply, stipulated under Schedule 4 [3], is up to 50 penalty units (approximately \$5,500), or 12 months incarceration, or both. Such schedules will make people who need to wear a mask due to being immunocompromised vulnerable to illness, liable to fines they might not be able to pay or a prison sentence. This is of particular concern to trans and gender diverse communities who are at a higher risk of acquiring long COVID (Ward-Smith & Zwickl, 2023), in addition to several chronic illnesses (Will, Walsh & Chyten-Brennan, 2024). Thus, it is particularly important to our Network that people have the right to wear masks at protests without unreasonable disturbance.

A third concern we have regarding the new anti-protest legislation is that it may degrade the safety of Jewish community members (Jewish Council of Australia 2025; Palestine Action Group Sydney, 2025a). For instance, Michelle Berkon from Jews Against the Occupation '48 has spoken about how the anti-protest legislation would worsen anti-Jewish sentiment in Australia, and would place:

Jews in the crosshairs...by hiding behind "Jewish safety" to impose these repressive laws, you are not only scapegoating the millions...of anti-racist Australians protesting genocide, by using Jewish people as your Jewish shields, we [Jewish people] will bear the resentment of the community. You are endangering us' (Palestine Action Group Sydney, 2025a).

The concern raised by Berkon about the new anti-protest legislation impinging on Jewish people's safety, the fact that it breaches the ICCPR, and dampens the ability of people with disabilities and those who are immunocompromised to protest are further reasons we do not support the legislation.

g) Any other related matters.

We reject the plan to combat antisemitism by the Special Envoy Against Anti-Semitism in Australia, led by Jillian Segal (see ASECA, 2025). The Australian government has committed to adopting all recommendations from the report into antisemitism by the Envoy (Albanese et al., 2025). This is despite Scientia Professor Louise Chappell, former Director of the Australian Human Rights Institute at the University of NSW, arguing points in the report are biased, that it is orientated by weak evidence and that it is not ‘good public policy’ (Chappell, 2025). We agree with these assertions. We highlight that no citations are provided in the report for any of the assertions made (Chappell, 2025), which is poor research practice. Recommendations from the report include the adoption of the definition of antisemitism by the International Holocaust Remembrance Alliance (IHRA), which conflates legitimate criticism of the Israeli state with antisemitism (APAN 2025). This is inaccurate and will silence necessary criticism regarding the genocide Israel is perpetrating in Palestine. The report recommends that government cut the funding of universities, programs and staff that ‘fail to act against antisemitism’ (ASECA, 2025, p.29). Given the IHRA definition of antisemitism proposed, this is concerning and, if implemented, would silence free speech. We stand with organisations like the Australian Palestine Advocacy Network in recommending government not implement the report (APAN, n.d.).

Recommendation 16: that the government not implement Jilian Segal’s Report of the Special Envoy into Antisemitism.

Conclusion

We encourage the Committee to support responses to hatred and violence that are evidence-based, and that are not orientated by reactionary criminalisation approaches. We advocate for symbols and forms of expression related to Palestinian people, their freedom and resistance to genocide being protected political speech. Rather than aspire to vague and inane terms like ‘social cohesion’ and ‘social harmony’, which fail to properly recognise current inequities, in this submission we suggest political attention is re-directed to engaging in action aimed at addressing these inequities. We include recommendations from affected communities in this submission regarding ways that these inequities can be addressed, including from First Nations community members, Jewish people, people who experience Islamophobia and trans and gender diverse people.

We also encourage the Committee to refer to submissions to the Inquiry into Antisemitism in NSW (Parliament of NSW, 2025) by groups like Jews Against the Occupation ’48, the Sydney University Muslim Students’ Association and the Jewish Council of Australia to inform this inquiry.

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