

**Submission  
No 42**

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

**Organisation:** Shia Muslim Council of Australia

**Date Received:** 12 January 2026



12<sup>th</sup> January 2025  
The Shia Muslim Council of Australia  
[www.smca.net.au](http://www.smca.net.au)  
[info@smca.net.au](mailto:info@smca.net.au)

**Subject: NSW Measures to prohibit slogans that incite hatred– Community Feedback**

### **Submission- Measures to prohibit slogans that incite hatred**

#### **Overview**

This submission addresses the NSW Committee's inquiry into slogans that intimidate communities and incite hatred. It examines the threat such phrases pose to social cohesion, proposes harm-based enforcement strategies, and highlights gaps in current practice. The paper stresses equal protection for all communities, citing recent anti-Muslim incidents and failures of accountability. It recommends context-driven policing, statutory safeguards for lawful debate, and alignment with constitutional and international standards. Comparative models, including the UK Public Order Act and ICCPR guidance, inform the proposed framework.

**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;**

Social harmony and cohesion are essential and important for all communities in NSW and Australia. We do not feel this is negatively impacted by statements used for solidarity against oppression, respect for human rights, and adherence to international law. This aligns with the UN Charter's core purposes: maintaining peace, developing friendly relations based on equal rights and self-determination of peoples, and encouraging respect for human rights and fundamental freedoms for all (Preamble; Art 1(2)–(3)) [1][2]. Speech that crosses into threats, intimidation, or advocacy of violence should not be allowed and this is already captured by NSW Crimes Act s 93Z and the 2025 federal hate-crime reforms [3][4].



**SHIA MUSLIM**  
COUNCIL OF AUSTRALIA

**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;**

Phrases that are so inherently hateful by their nature that they lead to incitement of hatred and threaten community safety must be outlawed.

Here we have to make a clear distinction between speech that criticises a state and its government and military force's human rights record, and speech that targets an ethno-religious group. It is important that these two are not conflated. Suppressing genuine political expression and defence of human rights undermines social cohesion as people are then not able to express genuine humanitarian concerns within a democratic and free-speech framework.

As stated in Article 1(3) of the UN Charter, NSW laws are expected to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion. In other words, the UN Charter allows political opposition to ideologies or states, but draws a firm legal and moral line against discrimination or hostility toward entire ethnic or religious groups; which is exactly what antisemitism and anti-Muslim sentiment entails.

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

There is a clear and immediate need to protect communities from hatred, intimidation and violence. The terror attack at Bondi on 14<sup>th</sup> December was a horrific act and we must all work together to make sure it never happens again.

We have also seen a sharp increase in anti-Muslim incidents after the Bondi attack [5].

Australia's political establishment bears significant responsibility for the erosion of social cohesion. By tolerating, and at times amplifying, rhetoric that vilifies entire communities, it has actively undermined the very harmony it claims to protect. This does not serve social cohesion. The following verified examples demonstrate why enforcement of hate-speech and incitement laws must be applied consistently and without favour across all communities:



**SHIA MUSLIM**  
COUNCIL OF AUSTRALIA

- Pauline Hanson — “Swamped by Muslims” maiden speech (2016): In her return to the Senate, Hanson warned Australia was “in danger of being swamped by Muslims,” called for bans on Muslim immigration, the burqa, and new mosques; Greens walked out in protest. [abc.net.au], [sbs.com.au],
- Sen. Pauline Hanson (One Nation, 2017): Wearing a burqa in the Senate in 2017 and again in Nov 2025 to advocate a ban drew cross-party condemnation as ‘racist’/‘Islamophobic’; she was censured/suspended in 2025. Hanson has also described Islam as ‘incompatible with our own’.
- Fraser Anning (Katter’s Australian Party /Senator)- “Final solution” speech (2018): In his maiden speech, Anning urged a ban on Muslim immigration and invoked a “final solution” to the “immigration problem,” drawing condemnation across Parliament and media. [abc.net.au], [sbs.com.au]
- Fraser Anning- Christchurch comments (2019): Within hours of the Christchurch mosque massacres, Anning blamed Muslim immigration, prompting a historic Senate censure and worldwide outrage; he later doubled down in press conferences. [abc.net.au]
- Sen. Malcolm Roberts (One Nation): Asserted Sharia would ‘replace Australian law’; criticized by Australia’s Islamophobia envoy and senators as fanning fear [6].
- Opposition Leader Peter Dutton (Liberal): Said a minority government including ‘Muslim candidates from Western Sydney’ would be a ‘disaster,’ prompting a religious-vilification complaint to the NSW Anti-Discrimination Board [7].
- **Peter Dutton (LNP; Immigration Minister)**- Lebanese-Muslim remarks (2016): Dutton said the Fraser Government “made mistakes” bringing in some Lebanese migrants and highlighted an “over-representation” of second-/third-generation Lebanese-Muslims in terror charges; Lebanese Muslim groups and others called the comments racist.
- **Cory Bernardi (Liberal Senator)** - Halal inquiry & anti-halal events (2015–2017): Bernardi drove a Senate inquiry on third-party food certification (with a heavy focus on halal); AUSTRAC told the inquiry there was no evidence halal fees fund

terrorism. In 2017, Bernardi spoke at a Q Society anti-halal fundraiser where other speakers made explicitly anti-Muslim remarks (he later said those remarks were “out of line”).

- Australia First Rally (Alfred Park, Surry Hills, 21 Dec 2015): one speaker publicly said ‘Australia was founded upon Judeo-Christian values ... [Australia] occupied by Islamism ... if anybody is triggered ... I will gladly pay for your flight to [expletive]’; and ‘I’m concerned about the so-called moderate Islamic people ... I’m not convinced Islam is a religion of peace ...’ (Lyle Shelton). These are included as publicly made comments in the above event.
- Outside political commentary: Cronulla — 10-year anniversary event (12 Dec 2015), activists staged a ‘non-halal/halal-free’ barbecue with a pig on a spit, prompting police intervention and counter-protests [8][9].

These anti-Muslim incidents occurred openly and with full public visibility, yet no legal consequences followed. This failure is unacceptable: such rhetoric has demonstrably fuelled anti-Muslim hatred, intimidation, and even violence, and the absence of enforcement signals a dangerous tolerance for conduct that undermines community safety and the rule of law.

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

Comparative law in the UK Public Order Act 1986, added after Racial and Religious Hatred Act 2006, targets threatening/abusive/insulting conduct intended or likely to stir up hatred (Parts III & IIIA), while the Act’s explicit freedom-of-expression clause (s 29J) preserves discussion, criticism, antipathy, ridicule and proselytising about religions and beliefs [10][11]. To preserve vigorous debate while targeting harmful conduct, NSW should adopt a statutory expression safeguard modelled on s 29J, read alongside ICCPR General Comment No. 34, which codifies that ideas may be contested but people must not be threatened [12].

Debate and freedom of expression must be preserved in a civil society, including discussion, criticism or expressions of antipathy toward particular religions. This principle also applies to political discourse: criticism of states or ideologies (including anti-Israel or anti-Zionist positions) is lawful when focused on policy and actions. However, this

protection does not extend to speech that crosses into intimidation, threats, or incitement of violence against any community.

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

The Australian Constitution protects political communication via an implied freedom that limits legislative and executive power. The High Court’s framework (refined in *McCloy* and applied in *Brown v Tasmania*) asks whether a law burdens communication and, if so, whether the burden is suitable, necessary and adequate in balance to achieve a legitimate end. In *Brown*, provisions regulating protesters were invalid because they disproportionately burdened political speech [13][14].

In parallel with Australia’s constitutional limits, international human rights law balances expression and protection from harm: ICCPR Article 19 protects freedom of expression while Article 20(2) obliges States to prohibit advocacy that constitutes incitement to discrimination, hostility or violence. The UN Rabat Plan of Action clarifies that restrictions must be clear, necessary and proportionate, and urges civil/administrative responses while reserving criminal sanctions for the most serious cases; this guidance reinforces why content-specific bans on phrases are unlikely to satisfy necessity or adequacy-in-balance where less-restrictive, neutral offences already address threats and advocacy of violence [14][15][16].

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

NSW s 93Z (Crimes Act 1900) criminalises public threats or incitement of violence on grounds of race, religion, sexual orientation, gender identity, intersex status, or HIV/AIDS. The 2025 federal amendments to Criminal Code ss 80.2A–B broaden offences to advocating force or violence against protected groups, with recklessness sufficing, and introduce new threats offences (including against places of worship and protected property). Separately, the NSW Government announced on 20 December 2025 further measures to ban hateful symbols/slogans and to expand police powers around face coverings at assemblies. Any changes should be integrated with constitutional limits.



**SHIA MUSLIM**  
COUNCIL OF AUSTRALIA

**g. Any other related matters.**

Hatred and discrimination based on race, religion, ethnicity, gender, or other protected attributes have no place in Australia. Such conduct threatens social harmony and undermines the rule of law. It is essential that anti-vilification and hate-crime laws are **applied consistently and impartially across all communities**, without selective enforcement. Failure to act on public incidents of vilification, whether antisemitic, anti-Muslim, or targeting any group, erodes trust in institutions and signals tolerance for harm. Equal protection is not only a legal obligation under NSW and Commonwealth frameworks but a moral imperative to preserve Australia's democratic values and multicultural cohesion.

**References**

1. United Nations Charter — Preamble. United Nations. <https://www.un.org/en/about-us/un-charter/preamble>
2. United Nations Charter — Full Text (PDF). UNTSO. [http://untso.unmissions.org/sites/default/files/united\\_nations\\_charter.pdf](http://untso.unmissions.org/sites/default/files/united_nations_charter.pdf)
3. Australian Human Rights Commission — Explainer: New national and NSW hate crime laws (2025). <https://humanrights.gov.au/about-us/news/explainer-new-national-and-nsw-hate-crime-laws>
4. NSW Law Reform Commission — Report 151: Serious racial and religious vilification (2024). [https://lawreform.nsw.gov.au/documents/Publications/Reports/Report\\_151\\_Serious\\_racial\\_and\\_religious\\_vilification.pdf](https://lawreform.nsw.gov.au/documents/Publications/Reports/Report_151_Serious_racial_and_religious_vilification.pdf)
5. Sydney Morning Herald — 'It's hateful racism: Islamophobia spikes since Bondi attack' (23 Dec 2025). <https://www.smh.com.au/politics/nsw/it-s-hateful-racism-islamophobia-spikes-since-bondi-attack-20251223-p5npu4.html>



**SHIA MUSLIM**  
COUNCIL OF AUSTRALIA

6. SBS News — Malcolm Roberts' Islamophobia envoy exchange.  
<https://www.sbs.com.au/news/article/malcolm-roberts-islamophobia-envoy-senate-estimates/ob8kltfpr>
7. ABC News — Religious-vilification complaint re Peter Dutton's 'disaster' remark (6 Aug 2024). <https://www.abc.net.au/news/2024-08-06/nsw-peter-dutton-comments-islamophobia-discrimination-complaint/104186088>
8. 9News — Cronulla 'non-halal/halal-free' barbecue (12 Dec 2015).  
<https://www.9news.com.au/national/anti-halal-barbecue-expected-at-cronulla-today-in-defiance-of-race-riot-memorial-rally-ban/9132bca0-82a4-4d1b-96e2-ae124cf9c687>
9. SBS News — Cronulla anniversary 'non-event' (12 Dec 2015).  
<https://www.sbs.com.au/news/article/cronulla-riots-anniversary-protests-a-non-event/w1v9crukl>
10. UK Public Order Act 1986 (Part III/IIIA; s 29J). Legislation.gov.uk.  
<https://www.legislation.gov.uk/ukpga/1986/64/part/III/crossheading/acts-intended-or-likely-to-stir-up-racial-hatred>
11. Hate speech laws in the United Kingdom (overview incl. s 29J).  
[https://en.wikipedia.org/wiki/Hate\\_speech\\_laws\\_in\\_the\\_United\\_Kingdom](https://en.wikipedia.org/wiki/Hate_speech_laws_in_the_United_Kingdom)
12. ICCPR — International Covenant on Civil and Political Rights (Arts. 19 & 20). OHCHR.  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
13. Rabat Plan of Action (overview). OHCHR.  
<https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>
14. High Court of Australia — Brown v Tasmania [2017] HCA 43.  
<https://www.hcourt.gov.au/cases-and-judgments/judgments/judgments-1998-current/brown-v-tasmania>
15. NSW Parliamentary Research Service — The High Court's decision in Brown v Tasmania (e-brief).  
<https://www.parliament.nsw.gov.au/researchpapers/Documents/The%20High%20Court's%20decision%20in%20Brown%20v%20Tasmania.pdf>



**SHIA MUSLIM**  
COUNCIL OF AUSTRALIA

16. Law Library of Congress — Australia: Implied Constitutional Freedom of Political Communication. <https://tile.loc.gov/storage-services/service/lj/ljgldr/2021687418/2021687418.pdf>