

**Submission
No 50**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Muslim Legal Network (NSW) Inc

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Submission to the Legislative Assembly Committee on Law and Safety

Measures to prohibit slogans that incite hatred

Prepared by the Muslim Legal Network (NSW)

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The Muslim Legal Network NSW is an Australian-based legal practitioners' and law students' association. It is a gateway for Australian Muslim law students and legal practitioners to both network with one another and engage with the wider legal community. We provide community legal education and participate in law reform and legal advocacy, as well as offer a Muslim perspective on civil liberties issues.

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INTRODUCTION

1. The Muslim Legal Network (NSW) (“MLN NSW”) provides this submission to the Committee on the inquiry of measures to prohibit slogans that incite hatred.
2. Protecting the community from hatred, intimidation and violence effectively is important for all religious and racial minorities. The ongoing gaps in religious vilification laws are particularly felt by the Australian Muslim community due to the rise of Islamophobia not only in the wider society but alarmingly in the media and approach by government and the security agencies when dealing with issues related to national security.
3. Reforms sought to be achieved to address any causal factors to the incidents of violence and to the rise of racism (including Islamophobia and Antisemitism) in the community must be proportionate, free from the influence of lobby groups and foreign agents, and uphold the essential, inalienable human rights enshrined in domestic and international law which all Australians ought to enjoy. Due process, thorough expert and community consultation, and an evidence-based approach are all critical to achieving these ends.
4. This submission addresses the terms of reference directly, with particular emphasis on the constitutional and evidentiary dimensions.

THE TERM “INTIFADA” IN THE CONTEXT OF PALESTINE

Definition and Meaning

5. The word “intifada” is an Arabic term with a clearly defined and understood meaning. The meaning must be taken from reliable Arabic sources, rather than other sources that impute an unintended meaning.
6. The term “Intifada” has been misrepresented in Australian political and public discourse, and this submission states the correct linguistic and applied meaning of the term.
7. Intifada (انتفاضة) is an Arabic verbal noun, derived from a noun with a semitic root Nafad (نفض) which means “*to shake, shake off, shake out, dust, dust off*”. It may also be defined as “*shiver, shudder, tremor*”.¹
8. In the face of injustice, the term means to rise against tyranny, oppression, occupation, starvation, war, etc. in pursuit of justice. The term invokes concepts of legitimate uprising and resistance to oppression, and self-defence against harm.
9. The term is not a call for violence or incitement of hatred.

¹ Dictionary of Modern Written Arabic, Wehr, H. & Cowan, J. Milton (3rd ed, 1976).

Politicisation of the Arabic language

10. The term “Intifada” is not exclusively used regarding Palestine and nor was the term invented solely in relation to the Palestinian cause. Indeed, the term “Intifada” is used in other contexts where there is injustice that must be opposed.
11. The politicisation of the Arabic language reinforces racist tropes that suggest that Arabic and Arabs are inherently violent. These tropes are repeated ad nauseam in mainstream media and on social media, and cause an increase in Islamophobia and anti-Muslim hatred in the community. The MLN NSW cautions the NSW Government against implementing laws that misattribute blame to Arabs, criminalise the Arabic language, and reinforce well-worn racist stereotypes. Doing so increases social division and disharmony, which is counter to the objective of the proposed legislative reform.

The conditions giving rise to usage of the term “Intifada” in relation to Palestine

12. The use of the term “Intifida” in relation to Palestine must be understood in its context.
13. The International Court of Justice (“the ICJ”) determined that Palestine has been illegally occupied by Israel since 1967.² The ICJ confirmed that Israel’s policies and practices are designed to create an irreversible situation which entrenches the illegal annexation of large parts of Palestinian land and obstructs the exercise of the inalienable right to self-determination by the Palestinian people.³ These policies and practices are designed to change the geographical nature, demographic composition and legal status of Palestine.⁴ Importantly, the ICJ found that Israel’s policies and practices are a breach of international law.⁵
14. An occupation involves the “continued use of force in a foreign territory”.⁶ International law prohibits the use of force to acquire territory and, importantly, occupation cannot be used as “the source of title to territory” or to justify its acquisition by the occupier.⁷ Israel’s assertion of sovereignty breaches this law.⁸ The ICJ found that Israel must:
 - a. end its presence in Palestine as quickly as possible,⁹

² ICJ Advisory Opinion, 19 July 2025, paragraph 264

³ Ibid, paragraph 245.

⁴ Ibid, paragraph 246.

⁵ Ibid, paragraph 265.

⁶ Ibid, paragraph 253.

⁷ Ibid.

⁸ Ibid, paragraph 254.

⁹ Ibid, paragraph 267.

- b. cease the unlawful acts arising from the policies and practices stated above, including ceasing all new settlement activity and repealing legislation enabling this unlawful situation,
 - c. provide full reparation for the damage caused by its internationally wrongful acts, including restitution and/or compensation.¹⁰ Restitution includes the obligation for Israel to return the land, other property and assets seized since its occupation began in 1967. Restitution also includes evacuating all settlers, dismantling parts of the wall built by Israel in Palestine, and allowing Palestinians displaced during the occupation to return to their original homes.¹¹
15. The ICJ also found that Israel's legislation and measures constitute apartheid.¹²
16. Multiple resolutions by the UN Security Council and General Assembly have called upon Israel to desist from policies and practices that breach international law,¹³ but Israel persists in its flagrant violations of international law.
17. Australia has an international legal obligation:
- a. not to recognise as legal Israel's occupation of Palestine,
 - b. to ensure it does not assist in maintaining the situation created by Israel's illegal presence in Palestine,
 - c. to bring to an end any obstruction to the right of Palestinian's to self-determination caused by Israel's illegal presence in Palestine.¹⁴
18. The international community, including Australia, has failed to enforce international law in Palestine and to bring an end to apartheid and Israel's illegal occupation in Palestine.
19. It is therefore unsurprising that the concept of rising up against and shaking off injustice is used in the context of Palestine.
20. In addition to long-standing illegal occupation and apartheid, Palestinians in Gaza have been besieged, carpet bombed, starved, killed, and subjected to a litany of other crimes and acts of indignity, injustice and dehumanisation at the hands of the Israeli government for over two years.
21. Genocide is designated as "the crime of all crimes" and is an egregious violation of the Convention on the Prevention and Punishment of the Crime of Genocide. Regarding Israel's actions in Gaza, a finding of genocide has been made by the UN Independent

¹⁰ Ibid, paragraph 269.

¹¹ Ibid, paragraph 270.

¹² Ibid, paragraph 229.

¹³ Security Council Resolutions 252 (1968) and 446 (1979), General Assembly resolutions 32/5 (1977) and 77/247 (2022).

¹⁴ ICJ Advisory Opinion, 19 July 2025, paragraph 279.

Commission of Inquiry on the Occupied Palestinian Territory,¹⁵ the International Association of Genocide Scholars,¹⁶ Amnesty International,¹⁷ and the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.¹⁸

22. "Human rights don't protect themselves".¹⁹ The ongoing genocide of the Palestinians is an "internationally enabled crime" and many "States, primarily Western ones, have facilitated, legitimized and eventually normalized the genocidal campaign perpetrated by Israel."²⁰
23. The reality, severity and illegality of Israel's actions in Palestine, including in particular genocide, apartheid and the long-standing occupation must inform any understanding of the use of the term "Intifada" in relation to Palestine.
24. When the international community fails to end these crimes, what recourse remains for Palestinians and people of moral conscience?
25. Any attempt by the NSW Government to outlaw or extinguish the call for justice (including the language used to call for justice) for Palestinians violates Australia's positive obligation to end the illegal occupation and genocide.

The phrase "Globalise the Intifada"

26. Thus, the phrase "Globalise the Intifada" and other similar phrases have recently been used by pro-Palestinian activists to advocate for international support for Palestinian resistance against the illegal Israeli occupation. It calls for globalising the call for justice beyond the regional context to a worldwide movement, given the severity of the circumstances in Palestine.
27. In the context of the long-standing Palestinian struggle, it is common knowledge to those who use the phrase, that it has historically represented calls to:
 - a. Extend boycotts and sanctions globally, to apply pressure on Israel to end its illegal occupation and draconian policies towards Palestinians;
 - b. Protest and demonstrate, to raise awareness of the situation in Palestine;
 - c. Build international solidarity with Palestinians who are oppressed;

¹⁵ Legal Analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide, 16 September 2025.

¹⁶ IAGS Resolution on the Situation in Gaza, 31 August 2025.

¹⁷ "You feel like you are subhuman" Israel's genocide against Palestinians in Gaza, 2024.

¹⁸ Anatomy of a Genocide, 1 July 2024.

¹⁹ United Nations Office of the High Commissioner for Human Rights.

²⁰ Albanese, Gaza Genocide: a collective crime, 20 October 2025, paragraph 2.

- d. Apply principles of nonviolent resistance to colonial oppression;
 - e. Apply political pressure on governments and institutions who are seen to be complicit in international war crimes perpetrated by Israel against Palestinians;
 - f. Educate on the plight of the Palestinian people;
 - g. Maintain Palestinian culture through art, culture, food, clothing and symbols.
28. The phrase “Globalise the Intifada” does not incite hatred and nor is it intended to. It is not antisemitic. The use or adaptation of the slogan in the context of pro-Palestine activism does not render the slogan hateful.
29. The Palestinian rights movement in Australia is a peaceful one. The evidence of the NSW Police Force and findings of the Supreme Court of NSW have shown that the assemblies which have taken place for over two years on an almost weekly basis have proven to be safe, peaceful, welcoming and inclusive of all with little incident:
Commissioner of Police (NSW Police Force) v Joshua Lees [2025] NSWSC 858.
30. As with any political issue, there would naturally be factions of society who disagree with or oppose others. It is highly disingenuous to attempt to silence another faction of society by misrepresenting their true actions and intentions, which are founded in good faith and on conscientious grounds.
31. In this case, it is clear that those seeking to curtail the rights of others to use the phrase do so in support of the state of Israel and/or Zionism, a political ideology distinct from Judaism. Attempts at conflating antisemitism with legitimate criticisms of the state of Israel, particularly in light of the provisional findings of the International Court of Justice in relation to a plausible case of Genocide against the state of Israel, are reprehensible. In *Wertheim v Haddad* [2025] FCA 720, Justice Stewart remarked:

“The Court has found that the impugned passages in the interview and the sermon say critical and disparaging things about the actions of Israel and in particular the Israel Defense Forces in Gaza and about Zionists, but that the ordinary, reasonable listener would not understand those things to be about Jewish people in general. That person would understand that not all Jews are Zionists and that disparagement of Zionism constitutes disparagement of a philosophy or ideology and not a race or ethnic group. Also, political criticism of Israel, however inflammatory or adversarial, is not by its nature criticism of Jews in general or based on Jewish racial or ethnic identity. The conclusion that it is

not antisemitic to criticise Israel is the corollary of the conclusion that to blame Jews for the actions of Israel is antisemitic; the one flows from the other.”

32. Palestinians have a lawful right to resist their occupier (i.e. Israel), including by armed struggle.²¹ Those in the international community supporting the right of Palestinians to liberate themselves from the stronghold of apartheid, occupation and genocide, have deferred to using measures used to end South African apartheid, i.e. protest and boycott. These measures are peaceful, lawful and morally necessary to uphold the legal rights of Palestinians. “Globalise the Intifada” must be understood in this context.

OTHER COMMON PHRASES SUCH AS “FROM THE RIVER TO THE SEA”

33. The MLN NSW also notes that the phrase “From the River to the Sea, Palestine will be Free” is frequently relied upon as a basis for attempting to restrict expression relating to the Palestinian struggle for freedom. As with the phrase “Globalise the Intifada,” the phrase is widely used to express calls for freedom, equality, and self-determination, including in the context of peaceful protest.

34. The phrase speaks to the Palestinians’ personal connections with their land. Often, Palestinian communities identify themselves with reference to the town or village of Palestine that they come from. Those places are stretched across the land, from Jericho and Safed near the Jordan River in the east, to Jaffa and Haifa on the shores of the Mediterranean Sea in the west. These geographical connections have passed down generations such that children and grandchildren of Palestinian refugees feel a personal connection to their ancestral lands.

35. According to the University of Toronto’s Hearing Palestine Initiative, an academic initiative that explores the history, culture, and collective memory of Palestine and Palestinians, *“for Palestinian movements the slogan is not primarily a political program (e.g., two-state solution, one-state solution, confederation, etc.), but rather a Palestinian expression for liberation, freedom, and equality given the on-going context of colonization and military occupation”*.

36. In October 2023, the UK Labor Party suspended its MP, Andrew McDonald, from the party over using the phrase “from the river to the sea” while speaking in favour of Palestinian rights. However, after a lengthy investigation, the Labor party reinstated Mr

²¹ United Nations General Assembly resolution 37/43, 3 December 1982.

McDonald when it was found that he had "not engaged in conduct that was against the party's rulebook".

37. The Canadian case *UOT and Doe* considered the words "intifada" and "from the river to the sea". The Ontario Court of Justice affirmed that "the automatic conclusion that those phrases are antisemitic is not justified".²² The court stated that:

*"The genuine pain that some feel when seeing or hearing these phrases may be the result of attributing malevolent intentions to the speakers when there is no such intention and as well as to speakers using certain phrases in potentially insensitive ways which cause pain to others when that is not intended".*²³

38. Presuming hateful or unlawful intent from the phrase alone treats it as having a single, fixed meaning and reflects a discriminatory approach. Such reasoning collapses legitimate political expression into criminal suspicion and disproportionately impacts Palestinian identity and expressions of solidarity, particularly within Muslim communities.

FREEDOM OF SPEECH

39. The right to free expression is central to our democracy and must be jealously guarded.
40. The High Court has affirmed an implied freedom of political communication, derived from Sections 7 and 24 of the Australian Constitution. This freedom is essential to the functioning of representative democracy, enabling citizens to exercise "a free and informed choice as electors" as expressed in *Lange v Australian Broadcasting Corporation* [1997] HCA 25. This freedom applies to all political communication - federal, state, local, and international political matters, and it applies at all times.
41. In *Nationwide News Pty Ltd v Wills* [1992] HCA 46, Justice Brennan remarked:

*"To sustain a representative democracy embodying the principles prescribed by the Constitution, freedom of public discussion of political and economic matters is essential ((87) As the European Court of Human Rights recognized in *The Observer and the Guardian v. United Kingdom* [1991] ECHR 49; (1991) 14 EHRR 153 at p 178): it would be a parody of democracy to confer on the people a power to choose their Parliament but to deny the freedom of public discussion from which the people derive their political judgments."*

²² University of Toronto (Governing Council) v. Doe et al. 2024 ONSC 3755, paragraph 106.

²³ Ibid, paragraph 107.

42. Any law specifically prohibiting the slogan "Globalise the Intifada" or similar phrases would clearly and unduly burden political communication. The slogan is used in political protests and statements advocating a particular position on international affairs and Palestinian rights. It is quintessentially political speech and is used in protests.
43. More recent High Court jurisprudence confirms that laws restricting political communication receive strict scrutiny. In *Unions NSW v New South Wales* [2013] HCA 58 the Court reiterated that burdens on political communication are not justified merely by reference to legitimate purposes; the burden must be proportional to the purpose. A prohibition on a political slogan would fail this test.
44. Further, curtailing the ability to use political speech in protests would limit the ability of protesters to properly ventilate their concerns, another important freedom central to our democracy.
45. Superior State Courts have also recognised the significance of political protests in Australian society. In *Commissioner of Police v Gray* [2020] NSWSC 867, a decision concerning an application prohibiting a proposed public assembly, Justice Adamson remarked:

"The importance of free speech as exemplified by public political gatherings does not need to be established. It is regarded as a hallmark of a democratic society... Demonstrations in public spaces remain a powerful method of advancing particular causes to governments and the general community, as well as engendering a feeling of solidarity among participants and those associated with them who may be unable to be present."

46. In *Lees v State of New South Wales* [2025] NSWSC 1209 the Court considered evidence that:

"The nature of protest is that you are vocally objecting to an event that is taking place and often expressing vigorous opposition to people on the other side of a political dispute. There are often political slogans shouted at people going into a venue or event at which you are protesting. Sometimes people can scream vigorously to express objection to the political forces that might be gathering there. It's the nature of the protest."

47. Additionally, the proposed prohibition of such phrases raises concerns under international human rights law, including Articles 19 and 21 of the *International Covenant on Civil and Political Rights*, which protect freedom of expression and peaceful assembly, and Article 26, which guarantees equality before the law. Restrictions on political expression must be lawful, necessary, and proportionate; blanket or pre-emptive prohibitions fail to meet this standard.
48. The proper legal approach is to assess expression by reference to existing laws requiring proof of intent and harm, rather than imposing bans that pre-determine meaning and intent in advance.
49. Finally, in the words of Nikita White, Campaigner at Amnesty International Australia:

“Protest is not only the exercise of fundamental human rights, it is also how many people, throughout history, have realised their human rights and made the world a better place.”

ISSUES WITH THE UNITED KINGDOM APPROACH

50. There are serious issues with considering international approaches such as those taken in the United Kingdom (“UK”) as “examples of best practice” to combat the use of such slogans. The UK has been heavily criticised for its approach in silencing Palestinian activism, including by the Office of the High Commissioner for Human Rights.
51. As referred to above, the UK Government has made controversial decisions at silencing political discourse including the use of terms such as “from the river to the sea” which resulted in the suspension of MP, Andrew McDonald. The treatment he received is widely criticised as wrong because it punished a peace-oriented legitimate political expression and solidarity with Palestinians, and exemplified how UK political and governmental actors have narrowed the space for nuanced speech on Palestine by prioritising reputational risk and optics over the actual content and intent of words. An investigation into Andrew McDonald's speech cleared him of wrongdoing, affirming that the suspension should not have occurred.
52. In July 2025 the UK Government proscribed ‘Palestine Action’, an organisation with an objective to end what it deems global complicity in Israel’s genocidal and apartheid regime, as a terrorist organisation, making it a criminal offence to be a member, express support, or even wear clothing suggesting support of the organisation.

53. In doing so, the UK Government has restricted rights to freedom of expression, peaceful assembly and association of people who have not engaged in criminal conduct but are exercising protected rights.
54. The decision has been described as “disproportionate and unnecessary” and calls have been made urging the UK Government to rescind its decision.²⁴
55. Further, the decision has not brought about any positive changes to social cohesion, harmony or public order. Instead, significant public resources have been expended, hundreds of arguably illegal arrests have been made and activists have resulted in near death hunger strikes, bringing about significant international coverage.²⁵

NO INHERENT OR PROVEN LINK TO VIOLENCE SUCH AS THE BONDI INCIDENT

56. This Inquiry follows the horrific shooting which took innocent lives during a Chanukah celebration at Bondi Beach on Sunday, 14 December 2025. The MLN NSW acknowledges the profound grief and legitimate concerns held amongst the Jewish and broader community following this tragic event.
57. Preliminary information suggests the attack was perpetrated by individuals with no established connection to Palestinian solidarity movements or the above slogans in question. Indeed, there is no evidence that the individuals even took part in any pro-Palestine protests held across Australia over the last two years. There is simply no causal nexus between the two.
58. Notwithstanding this, within days of this tragedy, the government announced sweeping new powers restricting protest, effectively designating Palestinian solidarity organising - which has sustained nearly weekly peaceful demonstrations for over two years - as a potential security threat. The amendments and the context in which they were brought, only served to draw a false, insidious connection between the shooting at Bondi and the Palestinian rights movement.
59. To now further restrict chants and slogans of solidarity would be another draconian measure which will fuel more negative community sentiment and distrust from the broader community towards the government.
60. The Bondi shooting was a tragedy and crime. The exploitation of the Bondi shooting for political opportunism is a further tragedy.

²⁴ United Nations Office of the High Commissioner for Human Rights, UK: Palestine Action ban ‘disturbing’ misuse of UK counter-terrorism legislation, Türk warns, 25 July 2025.

²⁵ Aljazeera, Palestine Action hunger strikers near death ‘intent’ on continuing protests, 8 January 2026.

61. The Islamophobia Register Australia has since reported a 740% increase in reports of Islamophobic incidents, causing deep hurt and reopening existing traumas within the Muslim community, especially noting our experiences in the Christchurch shooting and ongoing Genocide in Gaza. Many Islamic organisations and institutions have reported a significantly heightened sense of fear amongst the Muslim community. Political rhetoric that falsely paints Muslims and Arabs as a threat exacerbates anti-Muslim sentiment and increases the risk of Islamophobic attacks.
62. As recently as 10 January 2026, an Imam and his wife were attacked in a religiously motivated anti-Muslim attack in Victoria.²⁶ This is not the first time an Imam has been subjected to an anti-Muslim attack.²⁷
63. It is clear that the political commentary, including that surrounding the word “Intifada”, does nothing more than fuel division within the community, rather than promote safety and unity at a time when it is most needed.

CONCLUSION

64. The MLN NSW acknowledges the need to protect the community from hatred, intimidation and violence. There are a myriad of existing Commonwealth and State laws which sufficiently equip law enforcement to deal with such conduct.
65. The MLN NSW opposes the prohibition of specific phrases or slogans such as “Globalise the Intifada” and “From the River to the Sea, Palestine will be Free”. There is no evidence these slogans cause violence or harm, or are connected to the any incidents of violence such as the Bondi attack. Such a prohibition would be an overreach by the State.
66. The proposed measures carry considerable risks to fundamental democratic freedoms, constitutional rights, and social harmony, while offering no substantiated benefit to community safety.
67. The proposed measures will attempt to stifle calls for justice for Palestinians, who are the subject of genocide, apartheid and a long-standing illegal occupation by Israel. Silencing such speech violates Australia’s obligation to enforce international law.

²⁶ Australian National Imams Council, ANIC Condemns White-Supremacist Hate Crime Against Victorian Imam and His Wife, 11 January 2026.

²⁷ Australian National Imams Council, ANIC Condemns Deliberate Attempt and Attack on One of Its Own Members and Imams, 25 December 2024.