

**Submission
No 52**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Australian Jewish Association

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A U S T R A L I A N
J E W I S H
A S S O C I A T I O N

Measures to prohibit slogans that incite hatred

Submission by the Australian Jewish Association (AJA)

The Australian Jewish Association (AJA) is a national not-for-profit organisation with thousands of members, many in NSW, and the largest Jewish presence on social media, almost 200,000 followers. We are grateful for the invitation to make this submission.

AJA offers a distinct perspective, often uniquely advocating positions widely held within the Jewish community. We were the only Jewish organisation to support the “No” campaign in the Indigenous Voice referendum, a position aligned with most Australians and the only Jewish organisation to publicly critique aspects of recent hate speech laws.

As a frequent first point of contact for victims of antisemitism and for media, and as the target of numerous antisemitic threats, including those that led to the first AFP charge under Operation Avalite, AJA is deeply engaged with this issue. Many AJA members were directly affected by the Bondi Beach Chanukah massacre. AJA also acknowledges and appreciates the work of organisations such as the NSW Jewish Board of Deputies on these matters, while taking a slightly different position.

Measures to prohibit slogans that incite hatred – AJA comments

The Committee should consider:

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;**

There are several chants and slogans currently in use that incite violence and damage social harmony.

"Globalise the intifada"

The term *intifada* is most commonly understood as referring to two prolonged outbreaks of extreme violence against Jewish Israelis. These campaigns included suicide bombings in cafés and buses, stabbing attacks, car-ramming attacks, lynchings, and other atrocities. Well over 1,000 Jews were murdered and many more severely injured. Palestinian Arabs were the perpetrators, and groups like Hamas and Palestinian Islamic Jihad which are proscribed terrorist organisations in Australia played a significant role.

Any call to “globalise” such violence represents a direct threat to the safety of Jewish people in Australia.

AJA is aware of claims that the word *intifada* can be interpreted differently from its most commonly understood meaning. We believe such claims are disingenuous. While the word may have a literal translation that can be interpreted in isolation, its established meaning in modern political discourse is inseparable from the campaign of mass violence against Jews. By way of analogy, *Mein Kampf* literally translates as “My Struggle”, yet its meaning is inseparable from the violently antisemitic ideology it represents.

AJA has repeatedly warned that the use of such slogans incites violence and threatens the safety of Jews in Australia. The Chanukah massacre at Bondi Beach demonstrated the real-world consequences of rhetoric that glorifies or normalises violent campaigns against Jews, rhetoric commonly encapsulated in slogans such as “globalise the intifada”.

“From the river to the sea”

The phrase ‘from the river to the sea’ is a coded call for the elimination of the world’s only Jewish state. The phrase refers to the borders of Israel which are from the Jordan River to the Mediterranean Sea.

This phrase has been explicitly used by Hamas, a proscribed terrorist organisation in Australia, including in its charter.

“Death to the IDF”

Anti-Israel protests in Australian cities have witnessed ugly calls for death and violence including calls of “death to the IDF”.

As most of those using the chants are aware, service in the IDF is compulsory for Israelis, male and female. At any one time, a significant proportion of Israelis are enlisted in the reserves of the IDF.

Accordingly, this chant constitutes a call for violence, death and genocide against a population that includes the overwhelming majority of Israeli citizens and represents an implicit call for mass violence. It also poses a threat to Israelis and Jews in Australia, including Israeli tourists and Australian residents who have immigrated from Israel.

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;

Parliament should exercise great caution when legislating in this area. AJA's position is that there must be a very high threshold for restricting speech. Phrases should not be prohibited merely because they are offensive or generate hostility.

Only speech that directly incites violence should be subject to legislative prohibition. Phrases such as "globalise the intifada" and "death to the IDF" clearly meet this threshold, as they advocate or glorify violence against identifiable groups.

Given the adaptive nature of extremist activism, legislation should be narrow, precise, and focused on incitement to violence, while retaining sufficient flexibility to address functional equivalents intended to circumvent the law.

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

AJA strongly supports efforts to protect communities from intimidation and violence.

At the same time, there are legitimate concerns that poorly defined attempts to regulate "hate" risk creating criminal offences based on subjective offence rather than objective harm.

This risks misallocating police and government resources and criminalising speech that many Australians would regard as robust or controversial, but not dangerous.

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

AJA is concerned by suggestions that the United Kingdom represents "best practice" in this area.

The UK's hate-speech framework has been widely criticised for being overly broad and for chilling lawful expression. There have been widely reported incidents of police arresting individuals for online speech that many ordinary people would not regard as criminal conduct.

According to a report in the Times, UK police [made 12,183 arrests over online comments in 2023](#), a rate of 30 per day.

In one example, a man was arrested for [reportedly criticising Hamas](#).

If New South Wales were to adopt a similar approach, such laws would likely prove unpopular and risk curtailing speech that does not pose a genuine threat to community cohesion or safety.

The US. State Department's annual [Human Rights Practices Report](#) stated that the UK shows "credible reports of serious restrictions on freedom of expression," particularly laws limiting speech deemed "hateful" or "offensive."

US Vice President JD Vance has also criticised the UK's 'hate speech' laws.

If NSW attempts to emulate the UK's approach to 'hate speech', it may also attract negative attention from the United States.

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

To avoid infringing the implied freedom of political communication, any new laws must be tightly confined to the most egregious forms of speech, namely, speech that incites violence.

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

AJA notes that existing Commonwealth and NSW offences already address threats, violence, and terrorism-related advocacy, and these should be fully utilised before creating new speech-based offences.

g) Any other related matters.

Removing taxpayer funding for organisations and individuals spreading antisemitism

While restrictions on speech raise complex freedom-of-expression issues, a simpler and more immediate step is to ensure that taxpayer funds are not provided to organisations or individuals that promote or tolerate antisemitism.

This could be achieved through strengthened grant conditions, post-funding audits, and clear antisemitism compliance requirements aligned with the IHRA definition of antisemitism.

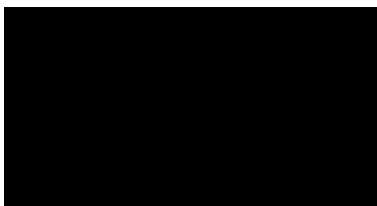
Recently taxpayer funding of arts organisations and Islamic groups which tolerate antisemitism has been exposed.

The substituting of the word 'Zionist' for the word 'Jew'

The word Zionist is often used as a proxy for 'Jew'. Zionism is an integral part of Judaism. Intimidation and incitement of violence against 'Zionists' is intimidation and incitement of violence against Jews.

While a tiny but vocal group of Jews are disconnected from a core part of Judaism and claim not to be Zionists, this does not change the above fact.

A useful comparison would be incitement against people who keep kosher or who pray in synagogues. Even if such descriptions do not apply to every Jew, and may incidentally apply to some non-Jews, the intent and effect would clearly be to target Jews.



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