

**Submission  
No 54**

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

**Organisation:** New England Greens

**Date Received:** 12 January 2026

Thank you for the opportunity to comment on the important matter of the use of slogans that are directed at certain communities to intimidate those communities and instil fear of violence.

This submission explores aspects of leadership and law pertaining to community cohesion, harmony and safety. It is of concern that a number of the Terms of Reference are predicated on invalid assumptions and that the process appears to seek to 'protect' a select group within the wider Australian community.

#### **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**

This Term of Reference is one which is predicated on the assumption that the use of a phrase such as 'globalise the intifada' does, in fact, pose a threat to community cohesion and safety and the importance of maintaining social harmony.

The use of this particular phrase with its meaning of encouraging concerned citizens world-wide to assist Palestinians in gaining justice and seeking an end to a genocide could be argued to be a call **for** cohesion and social harmony.

To observe as Premier Minns is reported to have done, [The Guardian](#), 23 December 2025, "You've seen what the consequences of globalising the intifada are," he said on Monday. "It's the deaths of 15 innocent people on the beaches of Bondi beach simply for practising their religion in a peaceful way" is unconscionable.

A more appropriate response on the part of our State's leader, and one designed to cultivate social harmony and cohesion, would have been to allow proper criminal and judicial procedures to unfold appropriately and to avoid weaponizing a tragedy to fit a political agenda.

**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.**

This Term of Reference is similarly predicated on two assumptions which are untenable. As Anne Twomey, Professor Emerita of the University of Sydney, explains in *Prohibiting political chants and slogans*, [Constitutional Clarion](#), with reference to another phrase 'from the River to the Sea', the ambiguity and complexities of context must be considered. Further, in the case to which she refers, *University of Toronto (Governing Council) v Doe 2024 3755* the following finding regarding the two slogans was made:

*9. There was considerable controversy over certain slogans used at the encampment such as "From the River to the Sea, Palestine shall be Free." A number of parties ask me to find that this and other slogans are antisemitic. The record does not establish a strong prima facie case to demonstrate that the slogans are antisemitic. The record before me shows that the slogan and a similar one used by Jewish Israelis, convey a variety of meanings ranging from a call for a uniquely Jewish or uniquely Palestinian state in the area between the Jordan River and the Mediterranean Sea, to a single state in which Jews and Palestinians are equal, to a two state solution. The record suggests that the*

*precise meaning depends on the circumstances in which it is used. There is no evidence that the named respondents or occupants of the encampment were using any of the slogans with antisemitic intentions*

There is a genuine likelihood as is pointed out by Liyana Kayali, an expert in Middle Eastern studies at the University of Sydney, [in the article cited above](#), *that the discussion is being steered by non-Arabic speakers who fail to understand the word's (intifida's) meaning. A ban risks further disunity in Australia, she says.*

*“We’re forgetting about how such moves are received by the communities that use these terms, because they’re received as attacks – attacks on their language, history, and their legitimate calls for struggle against oppression, and that does a great deal of harm,” she says.*

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

There is no doubt that a genuine democracy owes its citizens protection from hatred, intimidation and violence.

To provide this protection our Government should ensure:

- i. all communities are afforded the same protections
- ii. an appropriate response to critical incidents – allowing proper criminal and judicial procedures to unfold and avoiding weaponizing a tragedy to fit a political agenda.
- iii. citizens are afforded the right to peaceful protest and to attempt to influence and change policy and practice– and that these actions are not misrepresented by the political leadership
- iv. education and the fostering of opportunities for discussion and respectful debate

The words of Australia’s racial discrimination commissioner, Giridharan Sivaraman, point to the cost of failing to look at the systemic issues by simplistic actions such as banning slogans. [Guardian 9 January 2025](#), *Australia is in a “febrile time. Antisemitism and Islamophobia are both real, are both increasing, and are both significant concerns,” he says. Sivaraman says the debate and language about divisions can itself contribute to overall racism.*

*“It’s creating this notion of communities fighting with each other and therefore [they’re] the problem but it’s so much more nuanced than that,” he says.*

*“That avoids looking at and interrogating whether our structures are racist, because you can just blame communities, which is unfair.”*

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

The suggestion that measures and approaches taken in the United Kingdom be considered as examples of best practice is ill-advised in the extreme.

An Amnesty International [press release](#), 2 July 2025 termed the banning of Palestine Action 'a disturbing legal overreach' by UK Government and by 16 October 2025 the BBC

was reporting: *Since that ban more than 2,100 people have been arrested at demonstrations in England and Wales. Each of them has been accused of holding up a placard reading: "I oppose genocide, I support Palestine Action".*

This report continues with an account of court appearances: *Anthony Harvey, 59, travelled from his home in Oban, in the Scottish Highlands, to deny supporting a proscribed organisation.*

*He told the judge: "Protesting against genocide is not terrorism, I'm not guilty."*

*The oldest defendant was 83-year-old the Reverend Susan Parfitt, from Bristol, who is partially deaf.*

*She gently held onto a hand rail in the courtroom as Judge Snow came down from the bench to sit next to her, so she could hear him.*

*When he asked her for her plea, she replied: "I was objecting against the proscription of Palestine Action and I therefore plead not guilty."*

*David Kilroy, 66, from Plymouth, wearing a Just Stop Oil t-shirt, told the court: "When injustice becomes law, resistance becomes a duty. Not guilty."*

*During the day, prosecutor Peter Ratliff told the court that there were difficulties in fixing firm trial dates from early next year for what could end up being 2,000 defendants because of the ongoing legal challenge to the banning of Palestine Action.*

*If that challenge overturns the ban, the prosecutions would almost certainly be scrapped. But if the ban remains there could still be complex questions over how the suspects can defend themselves.*

Palestine Action UK continues to challenge the original proscription through a Judicial Review.

Three supporters of Palestine Action UK, currently facing death as a result of hunger-strike, have been on remand for a period greater than the 182 days stipulated maximum.

They are being held under 'terrorist conditions' but none have been charged with, let alone sentenced for, terrorist offences. This is an appalling indictment of the UK Government.

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

The implied freedom of political communication contained in the Australian Constitution would be directly challenged by the banning of these slogans.

In NSW existing laws, directed at the question of harm rather than specific content, are adequate: it is an offence under section 932 of the Crimes Act 1900 (NSW) to threaten or incite violence on the grounds of race or religious belief etc; Section 932 AA of the Crimes Act 1900 (NSW) also make it an offence to incite hatred towards a person/group on the grounds of race.

To ban specific phrases, such as those proposed, challenges the very core of the freedom of political communication in that it effectively silences a position in the political discussion to the advantage of an opposing position.

In the *Wertheim v Haddad* [2025] FCA 720, the Federal Court of Australia clarified the legal distinction between antisemitism and criticism of Israel/Zionism. The court found that, while *antisemitic speech* is prohibited under the Racial Discrimination Act, legitimate *political criticism* of Israel or anti-Zionist views are not inherently antisemitic and do not breach Australian law.

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

Existing laws, directed at the question of harm rather than specific content, are perfectly adequate: it is an offence under section 932 of the Crimes Act 1900 (NSW) to threaten or incite violence on the grounds of race or religious belief etc; Section 932 AA of the Crimes Act 1900 (NSW) also make it an offence to incite hatred towards a person/group on the grounds of race. In New South Wales Blak Caucus, Palestine Action Group and Jews Against the Occupation '48 are challenging laws restricting protests which could impact on Invasion Day events. They are supported by a diverse range of groups, including the climate activists Rising Tide, the NSW Council for Civil Liberties, the NSW Greens and Labor Friends of Palestine. It is distressing to see proposals to constrain legislation and process which have served the peaceful expression of opinion so well advanced in such a rushed fashion and without due cause.

**g) Any other related matters**

- i. Community cohesion, harmony and safety in a democracy are a result of effective, compassionate and informed leadership. We look to political representatives who are inclusive in approach, who respond in times of crises in an appropriate manner by providing guidance through the appropriate criminal and judicial processes, who actively challenge the weaponising of tragedies rather than shaping narratives to fit a political agenda to which they have allegiance, who afford citizens a respectful and informed hearing and adapt to changing democratic demands. Leadership which calmly and cogently explained that legitimate *political criticism* of Israel or anti-Zionist views are not inherently antisemitic and do not breach Australian law would, for example, contribute greatly to social harmony.
- ii. We draw to your attention the following email from a campaign sponsored by the [Palestine Justice Movement](#) which articulate many of our concerns:

Dear Member of the NSW Legislative Assembly,

I am writing to express my profound opposition to the restrictions on protest that the government is reported to be planning.

I share the universal horror at the monstrous attacks on innocent people at Bondi. The crimes of December 14 must never happen again. Those responsible must be punished with the full force of the law.

The situation we are in following the attack is a test of your and your colleagues' commitment to democracy. Demonstrations and marches are not an optional extra in a democracy: a state that bans protest, even temporarily, suspends its democratic character. The proposal to do so is deeply alarming and should send shivers down our spine.

The Bondi attack must not be used as a pretext for suppressing the right of people in NSW to express their opinions publicly and collectively. Restricting this fundamental democratic right is

a hallmark of far-right states like Orbán's Hungary or Milei's Argentina. I urge you not to imitate them.

In Sydney, protests regularly occur for Indigenous rights, against sexual violence and for the rights of women and of the LGBTQ community, as well as for a range of global justice issues, including Palestine. These protests have been peaceful without exception. They are a credit to our democracy, essential expressions of deeply-felt sentiments, and models of the harmony in our diverse community that the government claims to promote. To people without other means of making their views widely known, peaceful demonstrations are vital. Obstructing them does nothing to support community cohesion: on the contrary, it erodes it.

Restrictions on civil liberties in NSW have already gone too far. The allegation that August's March for Humanity over the Harbour Bridge contributed to the Bondi shooting is an outrageous insult to the up to 300 000 people, including many MPs and distinguished community figures, who took part in it. Do not reward this reprehensible slander.

A time like this tests commitment to democracy. I am counting on you not to fail us, or the democratic values that we should hold dear. Over 1500 emails have been signed.

We hope this submission is of use in your deliberations.