

**Submission
No 65**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Greens for Palestine (NSW)

Date Received: 12 January 2026

**Submission - Greens for Palestine (NSW)
Legislative Assembly Committee on Law and Safety Inquiry
Measures to prohibit slogans that incite hatred**



January 12, 2026

Executive Summary

Greens for Palestine do not support criminalising specific slogans or political speech and maintain this will not ensure that extremist attacks such as the one that occurred at Bondi do not occur again. On the contrary, criminalising political dissent will only undermine our democratic right to protected free speech and adversely impact specific communities who are being unfairly targeted in the post-Bondi recriminations.

The Terms of Reference (TOR) of this Inquiry cite a slogan ('Globalise the Intifada') which has been associated with the worldwide peaceful protests against the Israeli genocide in Gaza and the ongoing dispossession and oppression of Palestinians in all the Occupied Palestine Territory. The allegation that this and other similar protest and resistance slogans are 'inherently hateful by their nature' and that they 'lead to incitement of hatred and threaten community safety' is a distortion of their meaning and intent.

We maintain that existing laws are adequate to counter racist hate speech and that political slogans which call for equality, justice and democratic rights for Palestinians (or any other oppressed group) are not hate speech, do not incite hatred and should not be criminalised.

Introduction

Greens for Palestine is a Working Group of the NSW Greens established in 2015 to pursue and promote peace and justice for Palestinians within the Greens NSW and the wider community.

It is a discussion, reference and activist group within the Greens NSW which adheres to Australian Greens and Greens NSW policies but does not formally represent the Greens. Its membership is diverse. It includes members from Jewish, Muslim and other communities, and members located in urban centres and regional NSW.

We note that this Inquiry was established in great haste with no opportunity for public hearings and an unacceptably short timeframe. Nevertheless, we make this submission in good faith, hoping that due consideration will be given to this and all submissions.



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;

Contrary to claims made recently by politicians and special interest groups, the term 'intifada', and the many slogans which include it, have never meant a war against Jews, nor are they a call for genocide or coordinated massacres. This holds both for the Arabic usage as well as the way the term is used by the anti-genocide and Palestinian solidarity movements around the world.

The word 'intifada' in Arabic means 'shiver, shudder, tremor; awakening (pol.); popular uprising' (quoted from the 1994 edition of the Hans Wehr Dictionary of Modern Written Arabic). The term 'intifada' is used in the international anti-genocide and pro-Palestinian solidarity movements in the sense of spontaneous uprising and shaking off or civil resistance. In the Palestinian context, the term came to circulate widely in 1987 when the First Intifada broke out in the 1967 occupied territory. The term 'intifada', denoting in this case a spontaneous, civil uprising, stood in contrast with organised, military resistance, which had failed. It meant an authentic, spontaneous, endogenous uprising against an overwhelmingly strong, well-armed occupier.

It should be noted that the term 'intifada' is not used, for example, by ISIS-style militants to denote Holy Wars or wars against non-Muslims. However, the term has been used to denote other uprisings or resistance movements, including the 1943 Warsaw Ghetto Uprising, which was described as the Warsaw Intifada by the US Holocaust Museum in Arabic.

The Inquiry's TOR specify the phrase 'Globalise the Intifada'. The phrase has been used commonly in the UK, but not in Australia, and rarely in NSW. The NSW proposal to ban the expression appears to have been specified in these TOR directly following the British ban under pressure from the Zionist lobby in the UK.

This term, which relates to the political emancipation of Arabs, has been weaponised as an existential threat by the Israeli government and the Zionist movement.

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;

The concept of 'inherently hateful' phrases is highly problematic. It is vital that any legislation on the matter use clear, objective terminology. Two different kinds of hate- and violence-inciting phrases may be distinguished:

Submission - Greens for Palestine (NSW)
Legislative Assembly Committee on Law and Safety Inquiry
Measures to prohibit slogans that incite hatred



1. Those that explicitly express hatred or call for violence, as in “Poms are loathsome. Let’s all go and bash them up”; and
2. Those that do not literally express hatred or call for violence at all but may be used by certain groups in certain contexts in ways that threaten actual violence.

Phrases of the first kind are addressed already under Clause 18C of the 1975 Commonwealth Racial Discrimination Act. Phrases of the second kind obviously need a more complex approach. The point is that, although dangerous in certain contexts, they are not ‘inherently’, or by their nature’, expressions of hatred.

The meaning of ‘intifada’ has been explained above. It is far from clear how a call for spontaneous global resistance against the well-documented lethal violence perpetrated by the state of Israel in Gaza incites hatred against innocent Jewish people or threatens the safety of the Jewish community in the diaspora.

What should be prevented, therefore, is not the use of the phrase ‘Globalise the Intifada’, but any rhetoric suggesting that all Jewish people are, by the very fact of being Jewish, complicit in the genocidal violence being inflicted in Gaza. The International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, to which we turn below, risks encouraging the perception that the international Jewish community is at one with the ultra-Zionist nationalist ambitions of the present Israeli government. In other words, ‘Criticise Israel, and you are attacking Jews’ is a dangerous and deliberately misleading message.

Much has been written about the dangers of conflating definitions of antisemitism with criticism of Israel. We acknowledge the increase of antisemitism around the world since 7 October 2023. However, we vehemently deny that antisemitism has increased to the degree that has been suggested. We strongly support the reports and analyses that show that what has been interpreted as antisemitism is in many cases legitimate criticism of the Israeli State.

Even the lead drafter of the IHRA definition, Kenneth Stern, has recently reaffirmed his regret at the manner in which that definition is being used to curtail legitimate speech. In a recent [interview](#), Stern expressed concerns about targeting specific types of speech, which he sees as destructive to democracy and in opposition to the need for dialogue about contentious issues. Stern stated that he does not think governments should regulate political slogans related to, for example, the Israeli genocide.



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

The Bondi shooting was an act of horrendous violence. The fear and outrage that it has provoked in Jewish communities are justified and understandable. Jewish people must be safeguarded from further violence.

All communities are equally entitled to be protected from hatred, intimidation and violence. The worst incident of racist, terrorist violence in the Australasian region in recent times was not the Bondi massacre but the shooting of 51 Muslim people in two mosques in Christchurch in 2019, perpetrated by a white Australian man. The number of reported incidents of antisemitism has increased, but as noted above, the statistics are inflated by the inclusion of incidents of criticism of Israel as antisemitic.

The number of reported incidents of anti-Muslim abuse has exponentially increased, particularly those affecting women wearing the hijab. Hijab-wearing women have nothing to do with the actions of two heavily armed men claiming to be ISIS supporters. However, it is these women who have borne the brunt of the backlash because they are identifiably Muslim.

Racist abuse towards First Nations people since the 2023 Voice referendum has significantly increased too. In a period of polarised political debate which has made overt racism more prevalent, addressing racism against all affected communities is imperative.

No substantial evidence supports the drawing of links between the peaceful protests about the ongoing genocide in Gaza and the violence of two terrorists. Suppressing the right to political expression in public protests will not make any community safer. On the contrary, it will generate resentment.

Netanyahu's deliberate conflation of Judaism with the Zionist ideology of the Israeli government, as the deaths and destruction of Palestinians in Gaza continue unabated, makes Jewish communities less safe worldwide. It is the flawed and disingenuous characterisation of criticism of the Israeli government's actions as antisemitic that has created fear and anxiety within the Jewish community and heightened tensions between communities.

Measures which address racism throughout Australian society are crucial. To maintain social cohesion, governments must show by their actions that combatting antisemitism is not privileged over combatting other forms of racism, particularly Islamophobia. Banning particular phrases in actual legislation will do nothing to address systemic racism. The Australian Human Rights Commission's National Anti-Racism Framework



(which is discussed below in more detail) should be the basis for action by federal and state governments to address antisemitism, Islamophobia and all other forms of racism.

This approach would acknowledge the legitimate concerns within Muslim and Arabic communities who are being vilified and scapegoated in the aftermath of the Bondi terror attack. Especially at this time, we need to hear the language of inclusion and not the language of blame. It is vital that the voices from these communities be heard, and that their concerns be not only respected but also addressed.

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 National Anti-Racism Framework was launched in November 2024 by the Australian Human Rights Commission (AHRC). It is a road map for the most comprehensive plan developed by Australia so far to combat all forms of racism. It includes 63 recommendations for a holistic approach to reforms across all community sectors. Along with these specific recommendations, which were informed by extensive consultation with hundreds of organisations and thousands of individuals, the AHRC called on the Australian Government to set up a taskforce for anti-racism action to oversee the implementation of the Framework.

To date, the government has not taken steps toward endorsing and implementing the Framework despite providing support and funding for its development. In early 2025, over 50 civil society organisations, including the Refugee Council of Australia and the Australian Council of Social Service (ACOSS), called on the government to formally endorse and fund the implementation of the National Anti-Racism Framework.

The reference in these TOR to best practice measures and approaches taken in the United Kingdom is puzzling. In July 2025 the Starmer Labour government enacted draconian legislation proscribing the pro-Palestinian group Palestine Action as a terrorist organisation. The ban also criminalised statements of support for the group. This has led to many hundreds of arrests, and also to legal challenges, as members of the public stand in defiance of the government's overreach. Public support for Palestine Action remains highly visible in Britain, while the authority of the law and of the police themselves is diminished.

Subsequently the Metropolitan and Manchester police have begun to arrest pro Palestine protestors for chanting the slogan, 'Globalise the Intifada' after increased pressure from Jewish groups. It is unclear whether these arrests will result in any prosecutions.

Submission - Greens for Palestine (NSW)
Legislative Assembly Committee on Law and Safety Inquiry
Measures to prohibit slogans that incite hatred



The British experience suggests that high-profile, legalistic approaches to controversial slogans serve only to fuel the spread of those slogans. The prosecution of Bob Vylan is a case in point. Something of this effect is already visible in Sydney, where the slogan 'Globalise the Intifada' was not used in pro-Palestinian demonstrations prior to 14 December. It is attracting much more interest now, not only on the part of those who seek to ban it.

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

The NSW Government's proposal to prohibit the use of specific political slogans on placards or chanted publicly in demonstrations goes against the very essence of the implied freedom of political communication.

A series of decisions made by Australia's High Court since 1992 have resulted in what is now commonly referred to as 'the implied freedom of political communication'. This is a very important freedom that does not reside in any individual but arises because of the implied requirements of political communication in Australia's system of representative government as described in the Constitution. Basically, Australia's system of government requires that voters have access to political views and arguments without undue hindrance by law.

Given that the Australian Constitution must allow political expression in order for our democratic system to function, it follows that political communication relating to Australia's international relations and foreign policy must be protected. The banning of specific political slogans that do not contravene relevant discrimination legislation conflicts directly with that essential freedom of communication.

As several commentators, including Professors Ann Twomey and Ben Saul, have pointed out, the prohibition of certain specified chants and slogans runs a serious risk of contravening the implied freedom of political communication. The slogan 'From the river to the sea, Palestine will be free' has different meanings to different people depending on their situation. It is essential in an open democratic society that there be public space in which such meanings can be openly clarified and debated.



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

The recent additions (2025) to the NSW Crimes Act (Ss93Z and 93ZAA) make it a crime to intentionally incite hatred towards another person or a group of persons on the ground of race ‘in circumstances that would cause a reasonable person who was the target of the incitement to hatred, to fear harassment, intimidation, violence or for their personal safety.’

As well in February 2025, the Federal Parliament passed the *Criminal Code Amendment (Hate Crimes) Bill 2025*, enacting new national hate crime laws. The Commonwealth laws are similar to those passed in NSW with expanded scope of offences, new offences targeting places of worship and property and, for the first time, mandatory minimum sentences for certain hate crime offences.

The NSW Bill does not address the NSW Law Reform Commission’s concern that ‘hate’ is an ambiguous and subjective term that means different things to different people, and this ambiguity makes hatred an inappropriate standard for criminal law.

The Australian Human Rights Commission cites guidelines developed by the United Nations which emphasise that the criminalisation of hate speech should be a last resort, reserved for the most severe forms of incitement to discrimination, hostility and violence.

However, the new hate speech legislation provides for harsh penalties, including imprisonment. It is of great concern that any of the slogans that have been used by people protesting against the genocide in Gaza might be determined by a court to be inciting hatred and would result in imprisonment.

We note that hatred against Jews or Jewish institutions is singled out for special mention under this law (Clause IAA) whereas no such mention has been made of hatred of Muslims, Palestinians and their organisations and institutions. The singling out of one ethno-religious group in this manner is racist and dangerous for that group, as it will breed resentment. The omission of those other minorities who experience hatred against them leaves them exposed to racist attacks and will not result in the ‘social inclusion’ governments profess to promote.

Anne Twomey, in her recent video on ‘Prohibiting political chants and slogans’, makes the relevant point that there are already existing laws (both federal and state, as noted above) that are directed at preventing harm, violence and hate. She maintains that the problem for the government, if additions are made to these laws specifying which political chants and slogans should be banned, is that courts may not find specific slogans as falling into the categories of inflicting harm or hate.

Submission - Greens for Palestine (NSW)
Legislative Assembly Committee on Law and Safety Inquiry
Measures to prohibit slogans that incite hatred



Twomey acknowledges as we have argued above that slogans do have different meanings and historical contexts that could make it difficult to match the act of chanting a specific slogan, or holding a placard, with the requisite harm. The slogan 'From the River to the Sea' is a classic example of this point with vastly different interpretations and histories.

g) Any other related matters;

The growth of the pro-Palestinian movement is part of an international reaction to the Israeli genocide against Palestinians in Gaza and the ongoing violence and dispossession of Palestinians in the West Bank and East Jerusalem. It is not antisemitic. It has allowed impacted communities to express themselves. The Bridge Walk for Humanity was an eloquent example of this, and it promoted social cohesion in a resounding way.

One of the fundamental problems with anti-protest, anti-slogan legislation that is known to result from acquiescence to Zionist lobbying, is that it will put morality and law in conflict with each other for the hundreds of thousands of NSW residents who see it as their duty to express their opposition to the genocidal violence that has been inflicted on Palestinians in Gaza by Israel for more than two years.

No legislation can possibly make Australians unsee the images of children terrorised by airstrikes, carrying heavy containers of water through rubble-filled streets, crying in desperation at crowded soup kitchens, maimed for life, or burned to death in shock attacks on refugee camps. No legislation can erase our memories of the reports we have read, from reputable, in some cases Israeli, sources of the targeting strategies that have guaranteed the mass murder of innocent Palestinian civilians. No legislation can countermand the voice of conscience telling us that we must not acquiesce in silence to the violent ethnic cleansing of Palestinians from the land that is rightfully theirs, on the West Bank as well as in Gaza.

It would be wiser for the NSW government to amend or repeal the anti-protest laws rushed through in haste and in the interests of a foreign power than to intensify an approach that will undermine the moral underpinning of the rule of law and thus actively corrode social cohesion in Australia.