

**Submission
No 72**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Australia Palestine Advocacy Network

Date Received: 12 January 2026



Submission to the Legislative Assembly Committee on Law and Safety

Inquiry into the Use of Slogans That Incite Hatred and Threaten Community Safety

Submitted by: Australia Palestine Advocacy Network (APAN)

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1. Introduction

The Australia Palestine Advocacy Network (APAN) welcomes the opportunity to make a submission to the Committee on Law and Safety's inquiry into the use of slogans alleged to incite hatred and threaten community safety.

APAN is a national civil society organisation advocating for the human rights, dignity and self-determination of the Palestinian people in accordance with international law. Our work includes policy advocacy, anti-racism initiatives, community education, and engagement with governments and institutions.

APAN opposes the additional policing, restriction or banning of political slogans and symbols, including the phrase "*globalise the intifada*". The phrase "globalise the intifada" has become a central phrase used by Palestinians and others for expressing international solidarity with the Palestinian struggle for liberation and freedom. Measures to limit and criminalise political expression are incompatible with democratic freedoms, unnecessary given existing criminal law, and, critically, operate in practice as a form of racism.

From the outset, APAN submits that the policing of Palestinian political slogans and symbols constitutes racial discrimination. These measures single out the political expression of one people - Palestinians - and treat their language, identity and resistance as inherently suspect or



dangerous. Framing these restrictions as “neutral” responses to community safety obscures their discriminatory impact and risks entrenching unequal treatment under the law.

This submission focuses on the slogan “globalise the intifada” because it has been singled out in public debate. At present, the complete list of slogans under consideration has not been provided. This lack of transparency creates a real risk of selective and disproportionate enforcement, reflects political overreach and shows a lack of genuine consultation. It reinforces the need to rely on existing laws that target harmful conduct rather than criminalise political expression. APAN notes that the same policy approach being canvassed would likely extend to other Palestinian political slogans and expressions of solidarity used in Australia, including “From the River to the Sea” and “From the River to the Sea, Palestine will be Free.” Any such expansion would deepen the discriminatory impact identified in this submission and further burden protected political communication.

2. NSW Legislative and Policy Context

a) Existing NSW Hate Speech and Incitement Laws

New South Wales already possesses a comprehensive legal framework addressing genuine threats to public safety.

Under recent amendments to the *Crimes Act 1900 (NSW)*, it is an offence to intentionally incite hatred against a person or group on the basis of race, where such conduct would reasonably cause fear of harassment, intimidation, violence, or fear for the reasonable person’s safety. In addition, it is an offence to intentionally or recklessly threaten or incite violence towards another person or group on the basis of racial or other protected characteristics. These provisions build on longstanding anti-discrimination and vilification laws now embedded in criminal and civil law.

These offences are conduct-based and subject to judicial oversight. They have been drafted to incorporate mental elements to target behaviour that intentionally or recklessly causes harm.

On 6 February 2025, the Federal Parliament also passed the Criminal Code Amendment (Hate Crimes) Act 2025 (Cth). The new laws are widely seen as a response to the recent surge in antisemitic violence and speech in Australia.



Existing criminal law provides a sufficient legal basis from which to address genuine threats of violence or intimidation.

b) December 2025 Terrorism and other Legislation Amendment Act

In December 2025, following the Bondi Beach terrorist attack, the NSW Parliament passed the Terrorism and Other Legislation Amendment Act, expanding police powers relating to protests and public assemblies and foreshadowing new legislation banning so-called “hateful” slogans and symbols.

These measures include:

- Expanded powers for the NSW Police Commissioner to prohibit public assemblies;
- Enhanced move-on and face-covering removal powers;
- Government statements foreshadowing the banning of specific slogans, including “*globalise the intifada*”.

Collectively, these changes significantly broaden executive discretion over public expression and assembly. APAN is deeply concerned that these new and proposed powers would:

- shift the legal focus from harmful conduct to political language;
- invite content-based regulation of speech; and
- create a high risk of discriminatory enforcement against Palestinians and those advocating for Palestinian rights.

APAN believes that these laws will, and evidence suggests that existing police powers and criminal laws already do, function as instruments of discrimination rather than protection.

APAN is also concerned that banning particular words or phrases would shift the law away from punishing harmful conduct and toward punishing political language itself. That would require police and government to decide what a slogan “means” and whether it is acceptable - decisions that are inherently subjective and likely to be applied inconsistently. In practice, this expands executive and policing discretion and increases the risk of selective enforcement against Palestinians and those advocating Palestinian rights.



3. Policing Slogans as a Form of Racism

The regulation of slogans and symbols is not a neutral exercise. It reflects political decisions about whose speech is considered legitimate and whose is treated as threatening.

In practice, efforts to ban or restrict slogans such as “globalise the intifada” and “From the River to the Sea”:

- overwhelmingly target Palestinian advocacy;
- place Palestinian identity, knowledge, culture and resistance under heightened suspicion; and
- frame Palestinian political expression as uniquely dangerous.

This differential treatment is not accidental. It reflects a broader pattern in which Palestinian political identity is denied the legitimacy routinely afforded to other peoples resisting oppression. When the state suppresses the language through which a people articulate their struggle for justice, it engages in racial discrimination, even if the law is framed in ostensibly general terms.

4. Political Expression and Democratic Rights

Political slogans, particularly in protest contexts, are a core form of political communication. They are often emotive and forceful precisely because they arise from lived experiences of injustice.

Restricting slogans associated with Palestinian advocacy:

- chills political participation by Palestinians and their supporters;
- signals that Palestinian political identity is considered less acceptable in public life; and
- entrenches unequal access to democratic space.

Any law that seeks to prohibit political slogans must be scrutinised against free speech principles and the implied freedom of political communication under the Australian Constitution. Limiting speech based on perceived offence rather than proven harm undermines civil liberties and democratic participation. A democracy that tolerates political expression for some groups while suppressing it for others does not uphold equality before the law.



Claims that certain Palestinian political slogans are “inherently hateful” or “inherently violent” must be treated with caution. Such characterisations dispense with the need to assess intent, context or actual harm, and instead rely on perceived offence or contested interpretations of meaning. In a democratic society, offence is not a sufficient basis to restrict political communication. Where slogans have multiple meanings and are used as expressions of political dissent or solidarity, treating them as inherently hateful reframes political disagreement as a matter for criminal regulation and improperly displaces the high threshold required to justify limits on free expression.

This approach also shifts regulation away from conduct-based laws - which target threats, intimidation or incitement through objective tests and established mental elements - toward content-based prohibitions that single out particular political messages. A ban targeting specified slogans would be especially vulnerable because it would impose a direct burden on political communication and would not be content-neutral. Its practical effect would be to restrict particular viewpoints rather than to regulate harmful conduct, intensifying constitutional risk and the likelihood of discriminatory enforcement against Palestinians and those advocating for Palestinian rights, as well as other minority groups.

5. “Globalise the Intifada”: Meaning, Context and Discriminatory Interpretation

The phrase “*globalise the intifada*” has been repeatedly cited as justification for this inquiry. APAN rejects the assertion that the phrase is inherently hateful or violent.

The word *intifada* literally means “shaking off” oppression and historically refers to popular resistance against military occupation and systemic oppression. Its primary political meaning is collective civic mobilisation, including strikes, boycotts and other forms of civil resistance.

Nor is the term unique to Palestine. Intifada has been used internationally to describe popular, often non-violent, movements against authoritarianism and injustice. Jewish institutions, including the United States Holocaust Memorial Museum, have used it to describe the Warsaw Ghetto Uprising, and it has been applied to uprisings across the Arab world, the Lebanese “independence intifada” and the Sudanese Intifadas of 1964 and 2019 - all mass, peaceful, civilian-led movements for political change.

For many Palestinians and supporters globally, the phrase globalise the intifada is used to call for:



- international solidarity;
- collective resistance to apartheid and occupation;
- political, legal and economic pressure; and
- mobilisation for justice and accountability, including non-violent civil resistance.

A slogan being confronting to some listeners does not make it incitement or a threat. Treating “globalise the intifada” as inherently violent fixes one contested interpretation into law and replaces evidence-based, conduct-focussed assessment with subjective fear. That approach risks discriminatory enforcement against Palestinians and those advocating Palestinian rights.

The word “globalise” in this phrase is critical to its meaning. It is used by many speakers to call for international solidarity and collective political action - including protest, boycotts and legal accountability, rather than violence. Interpreting “globalise” as a call to spread physical harm misunderstands how the phrase is used in Australian and other political contexts and further illustrates the risks of fixing contested meanings into law. Misinterpreting this phrase exclusively through a lens of senseless violence strips it of its political and historical meaning and reflects racial bias, whereby Palestinian resistance is treated as illegitimate by definition, while other liberation struggles are understood in their full political context. Criminalising or banning such language conflates political dissent with violent incitement and is both factually inaccurate and legally unjustified.

APAN notes that “From the River to the Sea” is also frequently cited by opponents of the Palestinian struggle for freedom as warranting restriction. As with “intifada”, this slogan has contested meanings and is used by many as a call for freedom, equality and self-determination, including in the context of peaceful protest activity. Treating the slogan as having only one fixed meaning, or presuming hateful intent from the words alone, repeats the same discriminatory error identified above: it collapses political expression into criminal suspicion and places Palestinian identity and solidarity under special surveillance.

The proper legal and democratic approach is to assess any words used in public space by reference to existing laws that require proof of relevant mental elements and harm - rather than a blanket ban that pre-determines meaning and intent in advance.



6. Community Safety, Social Cohesion and Equality

APAN rejects the claim that banning political slogans enhances community safety or social cohesion.

In reality, such measures:

- deepen fear and alienation among Palestinian communities and their allies;
- reinforce experiences of discrimination and unequal treatment;
- undermine trust in public institutions; and
- increase social division.

True cohesion is built through equality before the law, not through the silencing of one people's political voice.

7. Clear Distinction Between Hate Symbols and Political Expression

APAN wishes to be unequivocal.

Palestinian symbols, slogans and expressions of solidarity are not hate speech.

Conflating Palestinian political expression with genuinely hateful symbols constitutes a form of anti-Palestinian racism. It singles out one people's political language, identity and resistance for restriction, while comparable expressions used by other groups are treated as legitimate political speech. This differential treatment is discriminatory in both effect and operation.



8. Risks of Expanding Slogan-Policing Powers

Expanding state power to police slogans and symbols carries serious systemic risks:

- political meaning is determined by executive discretion rather than courts;
- Palestinian advocacy is disproportionately targeted;
- protest rights become contingent on political identity;
- lawful political speech is chilled through fear of prosecution; and
- racism is embedded in law rather than prevented by it.

It also increases the frequency and intensity of police-citizen encounters in protest settings, where tensions are already high. When the words themselves become alleged offences, routine protest monitoring is more likely to escalate into enforcement action, including move-on orders, searches, seizures and arrests, and more intrusive police intervention in otherwise peaceful protests. Such dynamics predictably erode trust between police and communities and undermine long-term community safety and social cohesion.

There is no evidence that peaceful advocacy slogans pose a genuine threat to public safety. There is ample evidence that banning them does. Existing criminal offences already address threats, harassment, intimidation and violence.

Expanding slogan-policing also creates foreseeable spillover harms beyond street protests, including in workplaces, universities and online spaces. Unclear prohibitions invite over-compliance, termination or disciplinary action on the basis of contested interpretations, and costly legal disputes - diverting public resources away from measures that genuinely reduce violence and strengthen social cohesion, such as education, anti-racism initiatives and community-led dialogue.

Such powers do not strengthen democracy; they corrode it.



9. Recommendations

APAN urges the Committee to recommend that:

1. No additional political slogans or symbols be banned or criminalised, including those associated with Palestinian advocacy.
2. Any proposed bans on specific slogans, including “*globalise the intifada*” or “From the River to the Sea” or “From the River to the Sea, Palestine will be Free” be abandoned.
3. Palestinian symbols, slogans and expressions of solidarity be explicitly recognised as protected political communication, not hate speech.
4. Legislation and guidance clearly distinguish between universally recognised hate symbols and political expression opposing occupation, apartheid or state violence.
5. Existing criminal law and public order regulation continue to address genuine threats of violence or intimidation without expanding into content-based regulation of political speech.
6. Protest rights and political expression be clearly protected within NSW criminal and public order law.
7. NSW Government acknowledges and rejects the racial discrimination inherent in selectively policing Palestinian political expression.
8. NSW ensures any guidance to police and public authorities is content-neutral, evidence-based, and designed to prevent discriminatory enforcement against Palestinians and those advocating Palestinian rights.
9. Community education and dialogue initiatives be prioritised over broad prohibitions or expanded police powers.



10. Conclusion

Criminalising political expression by reference to specific slogans is unnecessary, legally problematic, and risks disproportionate impact on particular communities.

The selective suppression of Palestinian political language is not a neutral act. It is a form of racism that denies Palestinians equal dignity, equal legitimacy and equal voice in public life.

Democracy requires more than assurances of safety. It requires the courage to protect political expression even, and especially, when it challenges power.

APAN urges the Committee to reject discriminatory restrictions on slogans and symbols and to uphold equality, freedom of expression and democratic participation for all.