

**Submission
No 75**


MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Online Hate Prevention Institute

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Online Hate
Prevention Institute



OHPI's submission on
measures to prohibit
slogans that incite hatred

**A submission from the Online Hate Prevention Institute to the inquiry
by the NSW Legislative Assembly's Committee on Law and Safety.**

January 2026

Introduction

This submission to the NSW Legislative Assembly Committee on Law and Safety's inquiry into Measures to prohibit slogans that incite hatred is from the Online Hate Prevention Institute, a harm prevention charity established in January 2012 and focused on preventing and minimising the harm to people that results from online hate and extremism.

The submission has been prepared by Dr Andre Oboler, CEO of the Online Hate Prevention Institute, an Adjunct Associate Professor in the La Trobe University Law School, and a government appointed expert member of Australia's Delegation to the International Holocaust Remembrance Alliance (IHRA) where he serves on IHRA's Committee on Antisemitism and Holocaust Denial. He has also assisted the Justice Ministry of the Netherlands with the first European Conference of Public Prosecution Services on Antisemitism in 2024, and served as an adviser to the Government of Sweden for the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism in 2021.

Dr Oboler has also served as an expert witness on a range of NSW, Victorian, and Federal court cases related to hate speech and Nazi symbols. These include assisting NSW Police with a number of cases under section 93ZA of the Crimes Act 1900 (NSW), the Offence of displaying Nazi symbols.

The Online Hate Prevention Institute is currently preparing a report on the Bondi Beach terrorist attack and the online response to it. The report documents the normalisation of antisemitism in Australian society and the creation of an environment in which it has become socially acceptable to spread antisemitic content, gaslight Jews over their concerns about antisemitism, and incite criminal activity and even violence targeting Australian Jews, provided it is phrased in what some activists deem to be "acceptable" forms. This submission includes both original content and extracts from a draft of that report. We would be happy to share the full report with the Committee after it is released on January 15th.

We also draw from a pool of over 600 concerning items of social media content posted in response to the Bondi attack, and from our larger pool of over 14,000 items of antisemitic online content gathered since October 7, 2023. We would be happy to answer any questions the Committee has in relation to this content and the role of social media in both normalising antisemitism and spreading it internationally.

Specific Responses to the 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

The conclusion to our July 2025 report, on the fire bombing of two Melbourne synagogues and the online response, was titled "Conclusion: A dead canary".¹ In it we clearly, and in bold, outlined the threat, **"People who feel their cause is 'exceptional' and that it justifies breaking the norms and laws of society pose a danger to all in society."**

Reflecting on the online data we gathered in that report we said:

"The responses we see in this report do not reflect Australian values. This is not who we want to be as Australians. This is not a problem just for the Jewish community, but for all of society. The online world is accelerating the spread of hate. What we see is both a warning of the normalisation of antisemitism across society and a specific online harm that we need to do more to address."

Some have blamed Israel's actions in Gaza for the rise in antisemitism. This is nothing but a smokescreen designed to normalise antisemitism in society. The problem we face in Australia is not Israel's actions, regardless of what one thinks of them, but how some have been allowed to use those actions to excuse their own antisemitism and that of others, creating a culture where antisemitism is normalised.

Some activists have normalised antisemitism by engaging simultaneously in both legitimate criticism of Israel and illegitimate antisemitic rhetoric, blurring the two together and claiming it should all be treated as political speech in support of the Palestinian cause and protected. As they engage in this mixing of legitimate and illegitimate speech, they accuse the Jewish community of conflating criticism of Israel with antisemitism for pointing out those parts of their rhetoric that are indeed antisemitic.

The confusion this disinformation campaign has wrought among well meaning people is immense. It has also allowed those engaging in antisemitism to use yet more antisemitism to protect their hate speech. They claim the efforts of Jewish communal leadership to stop the hate targeting their community is evidence of Jewish control of government or other societal institutions. That is a classic antisemitic trope listed explicitly in the IHRA Working Definition of Antisemitism.² It comes right out of the Protocols of the Elders of Zion, an antisemitic document used to inspire hundreds of anti-Jewish massacres even before the Nazis started promoting it. Similarly, media articles exposing antisemitism are presented as evidence of

¹ A Oboler, C Noonan and A. Koubaridis. Responses to the Melbourne Synagogue Attacks in 2024 & 2025 (Online Hate Prevention Institute, 2025). P 102.

<https://ohpi.org.au/responses-to-the-melbourne-synagogue-attacks-in-2024-and-2025/>

² "IHRA Working Definition of Antisemitism", *International Holocaust Remembrance Alliance*, Adopted 26 May 2016, Bucharest Plenary.

<https://holocaustremembrance.com/resources/working-definition-antisemitism>

Jewish control of the media, again from the Protocols of the Elders of Zion. Antisemitic conspiracies alleging there must be untrustworthy Jews with dual loyalties seeking to undermine the country, are then printed in other newspapers.³

Australian values at the core of community cohesion, safety, and social harmony

Our society is built on shared values, the most important of which have been enumerated by the Australian government.⁴ The first of these values is “respect for the freedom and dignity of the individual”. The promotion of racism, hatred, hostility, etc. towards other Australians fundamentally undermines their dignity. Where the language is threatening, or incites others against a part of the community, it attacks not only dignity but freedom. It forces the impacted community to fear going about their daily lives in public. It forces them to limit their activities and public engagements out of fear for their safety. The emergence of this situation with respect to the Jewish community over the last two years is not only a failure of our fundamental values, it signifies a failure of our democracy. In a world where some communities are fearful to engage in public life, where political engagement (even simply to raise concerns of a community’s safety) leads to harassment and attacks, the fundamental conditions the Australian constitution seeks to uphold are undermined and fractured.

Our values also give us solutions. They include “a ‘fair go’ for all” which embraces: “mutual respect”, “tolerance”, “compassion for those in need”, and “equality of opportunity for all”. We have seen some activists abandon these ideals, centering themselves and their cause while actively trying to undermine “mutual respect” and “tolerance”. They paint those who disagree with them as the enemy and seem to create an “us and them” situation. When teachers promote pro-Palestinian chants in the school yard, embrace one side in a conflict, or denigrate Zionists, it promotes a lack of mutual respect and a lack of tolerance here in Australia. The efforts to mislabel the responses by schools to prevent such division as “Anti-Palestinian Racism”, as seen in a recent report from APAN,⁵ is another example of the centering of activism and division over fostering social harmony and community cohesion.

There is a place for activism, but that place is not everywhere, and not at all times.

As Australians we believe in a “parliamentary democracy whereby our laws are determined by parliaments elected by the people, those laws being paramount and overriding any other inconsistent religious or secular “laws””.⁶ We saw this in the failed defence in the Wertheim v Haddad case,⁷ a defence based on the idea that the hate should be protected because it was claiming to be religious instruction. The problematic slogans and promotion of antisemitism violate our values and laws. Some acknowledge they are crossing a line, but

³ See for example: Anne Davies, “NSW MP asks home affairs minister to investigate potential foreign interference after Israel ‘targets’ him in dossier”, *The Guardian*, 7 January 2026. <https://www.theguardian.com/australia-news/2026/jan/07/nsw-mp-asks-home-affairs-minister-to-investigate-potential-foreign-interference-after-israel-targets-him-in-dossier>

⁴ <https://www.homeaffairs.gov.au/about-us/our-portfolios/social-cohesion/australian-values>

⁵ Al-Natour, R., Rudolph, S., Abdel-Fattah, R., & Sammak, T. M. (2025). Anti-Palestinian Racism in Australian Schools, Melbourne: Australia Palestine Advocacy Network. https://apan.org.au/wp-content/uploads/APR_Report_Digital.pdf

⁶ “Australian values”, Home Affairs, see 9 January 2025.

<https://www.homeaffairs.gov.au/about-us/our-portfolios/social-cohesion/australian-values>

⁷ *Wertheim v Haddad* [2025] FCA 720

<https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/wertheim-v-haddad>

feel it is justified due to exceptional circumstances. These people are rejecting the Australian value of a “commitment to the rule of law, which means that all people are subject to the law and should obey it”. They want special treatment. They want to dominate the places used for public rallies continually week after week, denying anyone else that space either for daily life, or for protests on other concerns. The idea this is justified due to exceptional circumstances is not just their own thinking, but a deliberately spread narrative from an international campaign that, after the horrific Hamas terrorist attack on October 7, 2023, began accusing Israel of genocide before Israel had even entered Gaza. This campaign, like the Iranian sponsored antisemitic crime spree in Australia, is a foreign assault on our values and our democracy.

The danger in "Globalise the intifada"

Renowned French philosopher Bernard-Henri Lévy wrote about the phrase “globalise the intifada” in light of the Bondi Beach Chanukah Massacre saying:⁸

When this call to “globalise the intifada” – which means, if words have meaning, repeating the October 7 pogrom throughout the world and wherever there are Jews – becomes a global slogan and the Western street competes with the Arab street for the title of “most radical”.

...

Then the inconceivable happens... one day, ordinary men push to the limit what the words say... they acquire weapons; they train; and, on a Chanukah evening, by the sea, in a place of joy and innocence resembling the Nova festival, they shoot women, men, and children like rabbits, whose only crime was gathering to celebrate the triumph of light.

...

I know one must arm oneself with prudence before establishing a causal link between words and crimes. And I know the danger of this slope, of this moral butterfly effect, and of the temptation to transform speech into culpability and to equate a call to murder with the act itself. But I also remember Primo Levi’s lesson in *The Drowned and the Saved*, reminding us that **massacres never begin with weapons but with words.**

...

And that is why, in sadness and anger, but without polemical spirit, I invite all those who, two years later, continue to believe that one can play with words of Jew-hatred and pogrom without consequence to an examination of conscience.

For what happened in Sydney is not an accident but a sign... it could happen in any city in the world where one is still frivolous enough to believe that words are just words, that slogans bind only those who chant them, and that hatred – when draped in the supposed love of an oppressed people – can be absolved of its consequences.

We have seen social media posts claiming that highlighting the antisemitic nature of certain slogans and expressions used in Palestinian advocacy is a “manipulation of language” as, they argue, pro-Palestinian advocacy is not “rooted in hatred of anyone”.

⁸ Bernard-Henri Lévy, “The intifada has been globalised”, *The Jewish Chronicle*, 16 December 2025. <https://www.thejc.com/opinion/the-intifada-has-been-globalised-v8do7nsg>

This is why the manipulation of language matters so much. When opposition to a nationalist and colonial project is recast as racial hatred, the injustice itself is obscured. The victims disappear from view, and the focus shifts away from what was done, and continues to be done, to how uncomfortable the criticism makes others feel.

Our opposition is not rooted in hatred of anyone, least of all Jews. It is rooted in the grave injustice inflicted on Palestine and the Palestinian people, first in 1948 and continuously since. No amount of linguistic contortion changes that reality.



The issue here is not that all pro-Palestinian advocacy is being recast as racism, but rather that pro-Palestinian advocates have long demanded that racism in pro-Palestinian political advocacy be given a free pass.

In the post above the writer justifies that “free pass” (regardless of an objective assessment of the language) by arguing the advocacy is not *motivated* by hate. To paraphrase what Bernard-Henri Lévy explained:

Motivation is not what matters, but rather the consequences that result.

Pro-Palestinian advocacy without antisemitism is quite possible, but it involves conceding that in Australia, there are and *should be* limits on what is acceptable, regardless of how motivated people are for a cause. Terrorism and hate speech are both beyond the limits that will be tolerated in Australia. The law in Australia has long established, in relation to S 18C of the *Racial Discrimination Act* (Cth), that when it comes to hate speech it is the objective view of a hypothetical ordinary member of the group that is being impacted that determines whether the speech is racist - not the subjective intention of the speaker, or the possibility the words might have some other meaning.

There is a clear consensus among ordinary Jews, in Australia and around the world, that “Globalise the Intifada” is antisemitic and has the effect of intimidating the Jewish community. No amount of manipulation of language will change that. Nor will the views of small fringe Jewish groups change this, whether they are Jewish activists for the Palestinian cause or Jewish anti-Zionist groups.

Why “Globalise the Intifada” causes fear

In the Israeli-Palestinian conflict the meaning of Intifada is heavily coloured by the Second Intifada (2000-2005), which was when the Palestinian leadership, after the Oslo peace

process was underway, decided to instead turn to terrorism. Around 1,200 Israelis were killed, many through suicide bombings that targeted public transport, cafes, bars, pizza shops and crowded public place⁹. In total there were 138 suicide bombing in Israel during this period, and these weren't the only attacks.¹⁰

The Second Intifada was a time when terrorist attacks were occurring regularly. Imagine that, after the Bondi Beach massacre, there were so many attacks on civilians that it became a feature of daily life. The Jewish community remembers this time well and the fear for family and friends in Israel living under this constant threat of terrorism. Many remember visiting Israel at this time and the fear involved in everyday acts, such as catching public transport.

Then in 2015-2016 there was what became known as the "Knife Intifada" when, during a period of 5 months, Palestinians carried out 211 knife attacks or attempted attacks against Israelis, 83 shootings and 42 vehicular attacks.¹¹ This third intifada was driven through social media, with videos urging knife attacks and instructing viewers on how to make them more lethal.¹² The videos were posted under titles that included, "The Intifada Has Started," "The Third Intifada," "The Knife Intifada," "Poison the Knife before You Stab," and "Slaughtering the Jews".¹³

The chant "globalise the intifada" is coloured by this earlier background, but also by more recent events. Hamas was at the core of those events. Its name is an Arabic acronym of Harakat al-Muqawamah al-Islamiyyah (حركة المقاومة الإسلامية), in English "The Islamic Resistance Movement". Hamas violently took control of Gaza from the Palestinian Authority in 2007,¹⁴ 161 Palestinian were killed in the fighting including women and children, and 700 Palestinians were wounded.¹⁵ The deaths included extra-judicial and willful killing, including war crimes such as the abduction of rivals who were then murdered, and the killing of those

⁹ Schweitzer, Yoram. *The Rise and Fall of Suicide Bombings in the Second Intifada*. Strategic Assessment, Institute for National Security Studies (INSS) *Suicide and Other Bombing Attacks in Israel Since the Declaration of Principles (Sept 1993)* (Intelligence and Terrorism Information Center)

¹⁰ Brym, Robert J., and Bader Araj. *Suicide Bombing as Strategy and Interaction: The Case of the Second Intifada*.

Washington Institute for Near East Policy, *The Implications of the Second Intifada on Israeli Views of Oslo*.

¹¹ Peter Beaumont, "Israel-Palestine: outlook bleak as wave of violence passes six-month mark", *The Guardian*, 1 April 2016

<https://www.theguardian.com/world/2016/mar/31/israel-palestine-violence-knife-attacks-west-bank-gaza>; Andre Oboler, *Measuring the Hate: The State of Antisemitism in Social Media* (Online Hate prevention Institute, 2016) p. 2

<https://ohpi.org.au/reports/Measuring%20the%20Hate.pdf>; "Online Incitement", *Online Hate Prevention Institute*, 15 January 2016 <https://ohpi.org.au/online-incitement/>

¹² Raoul Wootliff, "Videos teach would-be Palestinian attackers 'how to stab'", *Times of Israel*, 15 October 2015

<https://www.timesofisrael.com/videos-teach-would-be-palestinian-attackers-how-to-stab/>

¹³ Ibid. Examples can be seen at: "Social Media As A Platform For Palestinian Incitement – Part II: Video Tutorials, Tips For Achieving More 'Effective' Attacks", Special Dispatch No. 6186, *MEMRI*, October 14, 2015.

¹⁴ Conal Urquart, Ian Black and Mark Tran, "Hamas takes control of Gaza", *The Guardian*, 16 June 2007 <https://www.theguardian.com/world/2007/jun/15/israel4>

¹⁵ *Black Pages in the Absence of Justice: Report on Bloody Fighting in the Gaza Strip from 7 to 14 June 2007* (Palestine Center for Human Rights, 2007) https://reliefweb.int/attachments/377530a6-de0b-340d-bf85-93fe4f9bc4ef/5510713891F8DB1FC125736F00462458-Full_Report.pdf

who were wounded and no longer active combatants.¹⁶ Hamas continued to murder rivals in Gaza in the subsequent years, leading to a rare report into Palestinian human rights violations from Human Rights Watch.¹⁷

On October 7, 2023, Hamas started the recent war in Gaza by launching the largest terrorist attack on Israel in its history. That attack murdered more than 1,200 men, women, and children, and committed other war crimes including rape and hostage taking.¹⁸

The attack was promoted as the start of a new Intifada with Hamas saying it was the first of many more to come. In this context, “Globalise the Intifada” is a celebration of the October 7 terrorist attack, a celebration of Hamas for carrying it out, and a call for attacks around the world, be they on Israeli targets like the two embassy workers murdered in Washington DC in 2025, or attacks on “Zionist gatherings” like the Chanukah by the Sea Jewish community event at Bondi Beach.

This is why mobs chanting “globalise the intifada” causes fear in the Jewish community and damages their sense of safety and the social cohesion of the Australian community more broadly.

Phrases Supporting Violence¹⁹

Phrases that support violence form the most concerning category of slogans / chants. “*Globalise the Intifada*”, already discussed in detail, is a key example of the category.

“*Intifada, Revolution, there is only one solution*” has a similar meaning to “Globalise the Intifada”, it is a call for a violent revolution to eliminate the state of Israel. It doesn’t, however, explicitly call for violence internationally or here in Australia. Calls to destroy Israel need to be separated from legitimate criticism of Israeli policy or actions. For many in the Jewish community such calls are personal, not only because of their connection to Israel as Jews, but because the call for violence is targeted against members of their family and friends.

“*Intifada is revolution is armed struggle*” makes explicit the violence linked to the term Intifada.

“*Glory to the Resistance*” is a reference to Hamas, the Islamic Resistance Movement and is support for a terrorist organisation.

“*Glory to the Intifada*” is again a celebration of the campaign of terrorism.

¹⁶ Ibid.

¹⁷ *Under Cover of War: Hamas Political Violence in Gaza* (Human Rights Watch, 2009)
<https://www.hrw.org/report/2009/04/20/under-cover-war/hamas-political-violence-gaza>

¹⁸ Marco Rubio, “Two-Year Anniversary of October 7th Attack”, *US Department of State*, 7 October 2025
<https://www.state.gov/releases/office-of-the-spokesperson/2025/10/two-year-anniversary-of-october-7th-attack>

¹⁹ Phrases are from pro-Palestinian protests globally. Sources include:
<https://minndakjrc.org/wp-content/uploads/2024/04/Media-Advisory-JCRC-and-Hillel-Speak-Out-Against-Pro-Hamas-Anti-Jewish-Hate-on-Campus.pdf>

“*Al-Qassam make us proud*” is a reference to the military wing of Hamas, and again support for a terrorist organisation.

“*From the River to the Sea*” is a slogan dating back to 1964 and the Palestinian Liberation Organisation (PLO) and had different interpretations in the past, but as the Associated Press noted, “By 2012, it was clear that Hamas had claimed the slogan”. In November 2023 the German Interior Ministry banned the slogan explaining that it is now a symbol of Hamas.²⁰

“*Death, Death, to the IDF*” is another explicit call for violence. The IDF (Israeli Defence Force) is a conscription based national military. Many of the soldiers are 18-21 year olds doing their national service. Some of them are relatives of people in Australia. A chant of death to a military is not a legitimate criticism of policy but rather a promotion of hate. It can be compared to the anti-police chants in the US, “What do we want?” “Dead cops!” “When do we want them?” “Now!” Such chants have no place in Australia.

“*Death to Israel*” is a slogan we discussed at length when it appeared, alongside “Glory to the Intifada” and “Glory to the resistance” in a publication of the Students Union at Adelaide University in 2022.²¹ The lack of firm action in this case was in hindsight an early warning that Australia, and our universities in particular, were incapable of addressing antisemitism. The phrase “Death to Israel” is not a criticism of Israeli policy or action, it is a call for the destruction of member state of the United Nations, and quite possibly a call for the genocide of its people.

These are some examples for illustrative purposes, there are many others.

Phrases demonising Zionists and inciting hate

Phrases that demonize Zionists and incite hate are another very concerning category of slogans / chants. These phrases incite hatred against a part of the Australian community, and regardless of however it is described, it is in reality just another way of targeting the Jewish community.

Chants that refer to “Zionists” are likely to be seen by the mainstream Australian Jewish community as statements about them. Such statements will be problematic and damage social cohesion when they promote hostility, hate, intimidation, or incite violence against Zionists. This is because most Jews in Australia identify as Zionists: that is, they support Israel’s right to exist as a Jewish state.²²

²⁰ “Extremist chant at a primary school”, Online Hate Prevention Institute, 9 May 2024

<https://ohpi.org.au/extremist-chant-at-a-primary-school/>

²¹ “Antisemitism at Adelaide University”, Online Hate Prevention Institute, 2 September 2022

<https://ohpi.org.au/antisemitism-at-adelaide-university/>

²² A “Jewish state” means a state with a Jewish character, where the weekend is on Friday and Saturday (the Jewish Sabbath) rather than Saturday and Sunday (the Christian Sabbath), where Hebrew the language of the Jewish people is an official language (though so is Arabic), whether public holidays occur on Jewish festivals and holydays. Where some public institutions like museums focus on the history and culture of the Jewish people. This is in many ways no different to what makes England a Christian country with an official religion (the Church of England), the holidays following a Christian tradition, and the Monarch making a Christmas Speech. The term “Jewish state” is often misrepresented in antisemitic propaganda to mean a state only for Jews, or where non-Jews are second class citizens.

The fact that most Australian Jews identify as Zionists is best demonstrated by a question put to the Jewish community in Monash University's Gen08 Jewish population survey. The survey asked, "Do you regard yourself as a Zionist? By the term Zionist we mean that you feel connected to the Jewish people, to Jewish history, culture and beliefs, the Hebrew language and the Jewish homeland, Israel?" and 80% of the Jewish community responded "yes".²³ A more recent version of the survey in 2017 found 88% of Jewish Australians feel a personal "sense of responsibility to ensure that the state of Israel continues to exist" and 69% explicitly identify as a Zionist – the drop being attributed by the researchers to a change to the rewording of the question which in 2017 was asked without providing that broad definition of Zionism.²⁴

It is quite possible to criticise Israel, the Israeli government, its policies and its actions without making generalisations about Zionists, or using antisemitic tropes or imagery. Such criticism is not antisemitic. Where messages instead incite hate towards Jews or Zionists, or use antisemitic language and imagery, it becomes racist and must be treated as unlawful in Australia. We must be clear in separating the two.

"*All Zionists are Terrorists*" is a chant whose use at a pro-Palestinian march in Melbourne is the subject of legal proceedings before VCAT. In an expert witness statement for that case I explained how the chant:

- Is likely to have incited hatred against Jewish people among the ordinary members of the audience at the rally.
- In the circumstances of the rally, which also has other antisemitic signage, is likely to have incited hatred against, serious contempt for, revulsion and severe ridicule of Jewish people on the grounds of both race and religious belief..
- Added an overt sense of revulsion against those the rally was against.
- In light of the Hamas terrorism of October 7, is an expression of contempt and severe ridicule of the distressed Jewish people and their concern over the victims of terrorism, including those killed and taken hostages.
- Was likely to be understood as referring to Jewish people and contributed to a general hostility to Jewish people.
- Normalised antisemitism and created fear in the Jewish community.

21% of Israel's population are Arab-Israelis (many also identify as Palestinian), and most of them are Muslim (18% of Israel's population) (Source: "Population Statistics: Israel", SBS Cultural Atlas, see 10 January 2025.

<https://culturalatlas.sbs.com.au/israeli-culture/israeli-culture-population-statistics>). Israel has equal rights for all its citizens and members of the Arab-Israeli population serve as members of parliament, justices of the courts, civil servants etc.

²³ David Graham and Andrew Markus, "Gen17 Australian Jewish Community Survey: Preliminary Findings", Monash University and JCA, 2018 p. 61.

https://www.monash.edu/_data/assets/pdf_file/0009/1531791/gen17-initial-findings-report-online-version-final-22_3.pdf

²⁴ David Graham and Andrew Markus, "Gen17 Australian Jewish Community Survey: Preliminary Findings", Monash University and JCA, 2018 p. 60.

https://www.monash.edu/_data/assets/pdf_file/0009/1531791/gen17-initial-findings-report-online-version-final-22_3.pdf

*“Zionists F*** off”* and *“Zionists... are not welcome”* seeks to exclude Zionists, particularly from University campuses. As Monash University has stated: “We have sought expert, independent advice on this specific content and wording – that Zionists are ‘not welcome’ – and our best judgement based on that advice, is that this statement likely constitutes harassment and/or vilification.”²⁵

“Nothing but hate for Israel and Zionism” may look like it is only focused on a state and an ideology, but it is promoting hate against Zionists and therefore Jews. Consider the inverse, *“Nothing but hate for Palestine and those supporting a Palestinian state”*, this would be a legitimate example of anti-Palestinian racism.

We cannot allow expressions that incite hatred against sections of our multicultural community. Such expressions destroy social harmony. Whether the targeting is done with clear language or the use of coded language should have no impact on how we respond.

We note that some Muslim states do not diplomatically recognise Israel and refer to it as the “Zionists Entity” but as Australia recognises Israel, such language has no place here.

Criticism of the Zionist Movement (represented by the World Zionist Organisation), or the particular positions of specific Zionist organisations, or historic Zionist leaders, or Israeli leaders, can all be done in ways that are legitimate, provided the language, tropes, and conspiracy theories associated with antisemitism are avoided.

Prohibiting incitement to hate against Zionists does not prevent discussion or criticism of past, or present, positions and actions of political leaders or organisations.

This same logic holds true in general. One can discuss the historic actions of Palestinian leaders and organisations, like the attack on the 1972 Olympic Games where Palestinian terrorists took the Israeli Olympic Team hostage and 11 members of Israeli Olympic Team were killed,²⁶ or more recent events like October 7, 2023, without inciting hate against all Palestinians, or all who support the creation of a Palestinian state. The reverse, discussion which does incite such generalised hatred, is clearly also possible, as demonstrated by some Israeli politicians in their generalised statements about Palestinians or Gazans. Our focus must be on Australia, and here at least, there must be no place for such language.

²⁵

<https://www.monash.edu/news/community-update/fact-sheet-content/unacceptable-social-media-content>

²⁶ “Munich 1972 Olympic Games”, Encyclopedia Britannica, seen 10 January 2025
<https://www.britannica.com/event/Munich-1972-Olympic-Games>

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

AND

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

Low level offenses

Under the *Anti-Discrimination Act 1977 (NSW)* S 20C it is already “unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.”²⁷

The problem is that this is a civil provision, not a criminal offence, and there is both a lack of capacity to use the law and lack of deterrence in the available penalties. While the wording captures the unlawful act effectively, the response is insufficient for something that threatens community society and societal cohesion.

Recommendation: The wording of the *Anti-Discrimination Act 1977 (NSW)* S 20C be made into a new offence, S 4B, under the *Summary Offences Act 1988* with a maximum penalty of 6 penalty units. A note should be included with respect to the application of S 10 of the *Crimes (Sentencing Procedure) Act 1999*, that the impact on social cohesion of breaches of this provision make the offence non-trivial.

Recommendation: That in addition provision be added to the *Summary Offences Act 1988* as S 4C, making it unlawful to publicly advocate for the destruction of any Member of the United Nations that is recognised by Australia. The penalty should also be 6 penalty units.

These suggestions are intentionally a low level offence and are intended to lower the barrier so that action can be taken, and can be seen to be being taken. This will reinforce social cohesion.

Higher level offences

The *Crimes Act 1900 (NSW)* S 93ZAA provides an “Offence of publicly inciting hatred on ground of race”. The core part of the legislation states:

*(1) A person commits an offence if--
(a) the person, by a public act, intentionally incites hatred towards another person or a group of persons on the ground of race, and*

²⁷ *Anti-Discrimination Act 1977 (NSW)* in S 20C.

(b) the public act would cause a reasonable person who was the target of the incitement of hatred, or a reasonable person who was a member of a group of persons that was the target of the incitement of hatred, to--

- (i) fear harassment, intimidation or violence, or*
- (ii) fear for the reasonable person's safety.*

This is a criminal offence and proceedings may be commenced by a police officer.

Applications of S 93ZAA(1)(b)

The class we describe as “demonising Zionists and inciting hate” should already fall within this provision as such demonisation and incitement is in fact targeted at people on the basis they are Jews, and Jews are an “ethno-religious” group which is one of the categories covered by the definition of “race” referred to by this section. That it arguably excludes some Jews (anti-Zionist Jews) is not relevant.²⁸ The provision would apply if the hate was incited only against a subset of Jews, whether it was Jews who attend a particular synagogue, Jews who dress a certain way, or Jews in a particular profession. The provision requires that the people were targeted on the grounds of their race, not that the hate is directed against everyone of that race.

The class we describe as “Phrases Supporting Violence” including the example of “Globalise the Intifada” clearly fall within the second part of the provision. That is, they would cause a “reasonable person who was a member of a group of persons that was the target of the incitement of hatred”, i.e. a hypothetical reasonable Jewish person, to “fear harassment, intimidation or violence” or “fear for the reasonable person's safety”. Where the phrase is supporting local violence (such as Globalise the Intifada) the “fear for the reasonable person's safety” provision applies. Where the phrase is supporting violence in Israel, the person may reasonably “fear harassment, intimidation or violence” as there is a well documented history of such harassment, intimidation, and even violence, directed against Jews by those advocating for violence against Israel / Israelis, this is seen (for example) in the Australian Parliamentary Inquiry into campus antisemitism.

Applications of S 93ZAA(1)(a)

Does a phrase expressing support for violence “intentionally incites hatred”? To be more concrete, does chanting “Globalise the Intifada” demonstrate an intent to incite hate? This is the main barrier. We believe it does demonstrate an intent to incite hatred as it is used to rile up crowds while inciting them against those painted as the oppressors and their supporters. Similarly “Death, Death, to the IDF” is not only advocacy for violence but an expression of hatred and an intent to incite others to the same hatred. Intent can also usually be shown

²⁸ We say arguably as there is plenty of commentary and evidence that attacks on “Zionists” target Jews indiscriminately, regardless of their actual position on Zionism. The Bondi Beach attack is an example, it was a Jewish religious festival. While statistically it is likely the vast majority of Jews present were Zionist (as most Jews in Australia are Zionist), it was not a “Zionist” event (unlike a celebration of Israel's Independence day) so there is no reason why an anti-Zionist Jew would not have attended and therefore been at risk of being killed because they were Jewish and went to a Jewish event, that was targeted BECAUSE it was a Jewish event.

through other statements or slogans, particularly those promoting antisemitic tropes which may appear in the same circumstances.

In general though, incitement to violence doesn't necessarily demonstrate an intent to incite hate, even though it may in practice be inciting hate. E.g. Incitement to violence against Australian politicians to force them to particular political actions, would be better classed as terrorism. The speaker's intent might be to encourage their audience to ask to advance their terrorist goal, if it inspires hate in the followers and that is the followers motivation, as long as the speaker didn't intend this, the provision would fail. This demonstrates a weakness.

Recommendation: That S 93ZAA be amended to allow for either intent to incite hate (as at present), or recklessness with regard to the potential for inciting hate.

A barrier for both kinds of slogans may be a failure of police to commence proceedings due to a failure to recognise that incitement to hate against Zionists is actually incitement to hate against Jews. Whether it is all Jews or just some Jews (the majority who are Zionist Jews) is not relevant. There may be a similar failure of understanding in the courts. This can be addressed by amending the definition of race in S 93Z (a definition S 93ZAA references).

Recommendation: That the definition of race in S 93Z be amended

From:

"race" includes colour, nationality, descent and ethnic, ethno-religious or national origin

To (including the note):

"race" includes colour, nationality, descent and ethnic, ethno-religious or national origin whether the identified group is named or identifiable by implication.

Note: An example of identifiable by implication is referring to Zionists, the implication being that one is talking about Jews, an ethno-religious group and therefore a "race".

The *Crimes Act 1900 (NSW)* S 93Z provides an "Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status". The core part of the legislation states:

(1) A person who, by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons on any of the following grounds is guilty of an offence—

(a) the race of the other person or one or more of the members of the group,

This is a criminal offence and proceedings may be commenced by a police officer.

This provision directly applies to chants like "Globalise the Intifada" and other Phrases Supporting Violence which are targeted parts of the community. They are less likely to be effective in relation to slogans glorifying and supporting violence overseas. They may apply in relation to chants like "Death, Death to the IDF" where there is context of visiting Israelis, or Israelis who live in Australia, being targeted. Given that Israel has conscription and

citizens serve in the reserves for decades after their initial service, the targeting of the IDF very easily becomes a general targeting of Israelis based on their nationality.

Other chants like “From the River to the Sea” would be less likely to be captured by this. This could be fixed with an added provision related to inciting others to advocacy for the destruction of a UN Member State recognised by Australia. The key reasoning in Germany, that this a symbol of Hamas, could also be addressed with a provision prohibiting slogans closely associated with recognised terrorist groups.

Recommendation: That a new provision S 93ZAB “Supporting extremist movements” be added to the *The Crimes Act 1900 (NSW)* which (1) makes it an offence to incite others to advocate for the destruction of any Member of the United Nations that is recognised by Australia. (2) make it an offence to use slogans or symbols that are primarily associated with one or more organisations that are listed terrorist organisations in Australia.

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

Australia is a multicultural country with people from many places and of many ethnic and religious backgrounds. Making that work, as a democracy, requires strong social cohesion in which all communities are respected and able to participate fully in society free from hatred, intimidation and violence.

Australians can disagree about football, domestic issues, Australia’s foreign affairs, or international affairs more broadly and the conduct of other nations. What we can’t do is allow those disagreements to be used to justify the demonisation of segments of the Australian community, or intimidate them, or target them for violence.

This means placing social cohesion at home as the second most important priority in the way communities in Australia interact with each other, and with the government. It means respecting the peak bodies which represent the different communities in Australia and in each state. There are mechanisms of recognition within the broader community, such as affiliate membership of the Federation of Ethnic Communities’ Councils of Australia for federal bodies, or of the Ethnic Communities’ Council of NSW for state based bodies in NSW. It is important that peak bodies are appropriately recognised and platformed, including in the media. They are not just one voice of many, but the voice of their communities. When those bodies speak of hatred, intimidation and violence against their community it is important they are listened to and believed, both by the government *and* by each other.

There need to be government supported mechanisms to address concerns which go beyond disagreeing on issues (domestic or foreign) and relating to hatred, intimidation and violence at home. In recent years some of those channels have broken down, which contributes significantly to the weakening of Australia’s, and NSW’s, defences against hatred, intimidation and violence.

While social cohesion at home is the second most important priority, the first is the safety of each community. One community’s safety cannot be sacrificed to reduce the potential risk to

another community. For example, if a member of one community is promoting hate, intimidation, or violence against another community, the best response is for both the community being impacted by the hate, and the community the promoter of hate comes from, to highlight that the individual alone is responsible for their actions. The worst response is to fail to act on the hate out of fear it will lead to a backlash against another community. This second approach undermines the rule of law, leads a community vulnerable, and sends a signal that such hate is acceptable in Australia. This in turn allows it to grow and to escalate from hate to intimidate, and ultimately violence.

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

While assisting the Justice Ministry of the Netherlands in 2024 with the First European Conference of Public Prosecution Services on Antisemitism we ran a survey of the participants, public prosecutors or police across jurisdictions in Europe and the UK. One section of the survey was on “controversial slogans”. Specifically, we asked whether the phrases “from the river to the sea” or “globalise the Intifada” were regarded as antisemitic, and if there had been any investigations where prosecution was considered. The most common response was that in their jurisdiction participants believed the law was still unsettled on this point.

Since the Bondi attack UK police have stated that “current laws are inadequate” and have “welcome the fact that the Home Secretary has asked Lord Ken Macdonald KC to review the current public order and hate crime legislation.”²⁹

They have also stated:³⁰

“The words and chants used, especially in protests, matter and have real world consequences. We have consistently been advised by the CPS that many of the phrases causing fear in Jewish communities don’t meet prosecution thresholds. Now, in the escalating threat context, we will recalibrate to be more assertive.

We know communities are concerned about placards and chants such as “globalise the intifada” and those using it at future protest or in a targeted way should expect the Met and GMP to take action. Violent acts have taken place, the context has changed - words have meaning and consequence. We will act decisively and make arrests.”

A key consideration is how a phrase should be treated when some people use it with the intent to incite hate or violence, while others use it as a rallying cry for a cause.

²⁹ “Joint Statement from the Commissioner of the Metropolitan Police and the Chief Constable of Greater Manchester Police”, Metropolitan Police, 17 December 2025.

<https://news.met.police.uk/news/joint-statement-from-the-commissioner-of-the-metropolitan-police-and-the-chief-constable-of-greater-manchester-police-504494>

³⁰ Ibid.

The key question is whether the matter is approached from the perspective of the speaker, and their intent, or from the perspective of the community that is negatively impacted.

Australia has some laws based on the intent of the individuals, and others based on the impact they cause. These have been discussed previously with respect to NSW laws, and added to this is the approach taken in S 18C of the Racial Discrimination Act which is based on the impact it would have on a hypothetical ordinary member of the impacted group.

The serious impact on both the safety of the Jewish community, evidenced by a rise in antisemitism as it has become more acceptable in society, highlight a need for a “recalibration” as Police in the UK put it. We have outlined some suggestions above. In the circumstances a greater burden must be placed on free speech in order to protect public safety.

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

To be constitutional, the law needs to be both clear and to restrict political communication only as much as strictly necessary to achieve the Parliament's intent.

A law preventing calls to eliminate a Member of the United Nations recognised by Australia is a very narrow limitation on speech. It is justified on the grounds of social cohesion, as some in the community will be connected, whether by citizenship, through family, or through cultural links, any country targeted in this way. The tensions created by such eliminationist calls bring foreign conflicts into the community, destroying social cohesion, raising tensions, and potentially leading to a breakdown of public safety.

When it comes to a law to prevent the incitement of hatred, there are already laws that make such incitement unlawful. What's needed is:

- Clarification that they apply when a group is targeted less obviously, for example referring to Zionists rather than Jews.
- A reduction of the burden of proof related to intent under existing criminal provisions
- A mechanism to make what is unlawful under the *Anti-Discrimination Act 1977 (NSW)* S 20C easier to act upon, for example by shifting the burden for action back to the state.

None of these changes alter what is already long accepted as unlawful, so they should raise no constitutional issues related to Freedom of Political Communications. They will, however, make it easier to take actions against such unlawful content.

g) Any other related matters

The online environment significantly contributes to the spread of hate, incitement to hate, the destruction of social cohesion, the radicalisation of individuals, and incitement to violence against minorities. Conduct that is unlawful offline, should not be lawful online. In some

cases, due to the added threat online content can pose due its ability to go viral and reach large audiences, restrictions online may need to be tighter than for offline speech.

Recommendation: It is important that laws addressing hate, incitement to hate, and incitement to violence, make clear that they also apply when the speech or conduct occurs online.

While the individual spreading hate, inciting hate, or inciting violence should be the primary targets of legislation to address this threat, there should also be secondary liability for online platforms that fail to take reasonable measures to prevent these harms to the community. There is already a framework in place at the Commonwealth level, but this should be enhanced after the Bondi attack. This is particularly true where online platforms are commercialising the dangerous slogans or imagery, for example offering them on merchandise.

This sort of regulation is best addressed at Commonwealth level and under the Communications Power, however, the NSW Parliament should consider endorsing the following as recommendations for the Commonwealth, and the Royal Commission, to consider:

Recommendation: That the NSW Government recommend the Commonwealth Government take action to:

Extend the Basic Online Safety Expectations to include an expectation that platforms will take reasonable measures to prevent content being posted from Australia, or seen within Australia, where:

- 1. The content uses slogans that are associated with organisations on the Australian government's lists of terrorist organisations.**
- 2. The content incites hatred or violence against a protected group, whether the group is identified explicitly or through the use of coded language.**
- 3. The content advocates for the destruction of a member of the United Nations that is recognised by Australia.**

Introduce legislation applicable to online platforms that enable the creation of goods, including custom goods, and offer them for sale to Australia. The legislation should impose fines for offering for sale to Australia, or selling, or delivering to Australia, any goods that use the symbols or slogans associated with organisations on the Australian government's lists of terrorist organisations, or which incite hatred or violence against a group on the basis of their race or religion.

We've also had the opportunity to consult with the Office of the Special Envoy for Combating Antisemitism (ASECA) and we endorse their recommendations which we believe are similar to those we have recommended here, either taking the same approach or a slightly different approach to achieve the same result.

We particularly support their recommendation to ban all slogans which call for violence or death. This is broader than some of our recommendations, but would help lower the heat in protests of all kinds. This would have the effect of enhancing both civility and social cohesion.

We also agree with the recommendation of greater guidance being provided by police. While context is always important, as we saw in Congressional hearings into antisemitism on university campuses in the United States, sometimes the presumption needs to be that something is unlawful, while still allowing responsible individuals (like police) the discretion to identify exceptions based on context.

As a reminder the incident in question went as follows:³¹

Congresswoman Stefanik: The answer is yes. And Dr. Gay at Harvard? Does calling for the genocide of Jews violate Harvard's rules of bullying and harassment? Yes or no?

President Gay: It can be depending on the context.

Congresswoman Stefanik: What's the context?

President Gay: Targeted at an individual targeted, as at an individual?

Congresswoman Stefanik: It's targeted at Jewish students, Jewish individuals. Do you understand your testimony is dehumanizing them? Do you understand that dehumanization is part of antisemitism? I will ask you one more time. Does calling for the genocide of Jews violate Harvard's rules of bullying and harassment? Yes or no?

President Gay: Antisemitic rhetoric when it crosses into conduct, that amounts to bullying, harassment, intimidation, that is actionable conduct, and we do take action.

Congresswoman Stefanik: So the answer is yes. That calling for the genocide of Jews violates Harvard Code of Conduct. Correct?

President Gay: Again, it depends on the context.

Congresswoman Stefanik: It does not depend on the context the answer is yes, and this is why you should resign. These are unacceptable answers across the board.

Public guidance from police on phrases that are likely to be a breach of the law would be useful for everyone. Such guidance would need to be able to be updated rapidly and accompanied with direction for police that it is not a prescriptive list and they should act on other phrases that they feel are equally likely to breach the law.

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<https://stefanik.house.gov/2023/12/icymi-during-questions-from-stefanik-presidents-of-harvard-upenn-mit-refuse-to-condemn-calls-for-genocide-of-jews>