

**Submission  
No 76**

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

**Organisation:** Multicultural Community Council of New South Wales

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# MULTICULTURAL COMMUNITIES COUNCIL OF NEW SOUTH WALES INCORPORATED.

MCC NSW INC - I401100

For a Multicultural New South Wales

All correspondence for Chair - [REDACTED]

## Submission by the Multicultural Communities Council of NSW (MCC NSW) To the Parliamentary Inquiry on Measures to Prohibit Slogans that Incite Hatred and Threaten Community Safety

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### Executive Summary

The Multicultural Communities Council of NSW (MCC NSW), representing culturally and linguistically diverse communities across the state of New South Wales (NSW), welcomes the opportunity to respond to the Terms of Reference for the Parliamentary Inquiry on Prohibiting Slogans that Incite Hatred and Threaten Community safety.

The NSW Government has a civic responsibility to safeguard all communities against intimidation, threats, and violence, including harms that arise from hateful slogans and messaging. MCC NSW supports the development and implementation of a rights-based framework for the prohibition of **inherently hateful, threatening, or violence-inciting slogans** and the interpretation of meaning and intent through expert, consultative mechanisms. The MCC NSW supports clear legislative processes that enable swift responses to intimidation and threats, and a strong preventative approach that protects vulnerable communities. Doing so will strengthen cohesion, enhance safety, health and wellbeing, and support Australia's economy.

Australia is one of the most culturally diverse nations globally, with nearly half of all Australians either born overseas or having at least one parent born overseas<sup>1</sup>. As an advocacy organisation promoting multiculturalism in Australia, our mission is to promote inclusion, respect, and equal participation for all people, regardless of ethnicity, race, or religion. Our position is reflected in the membership clause within our Constitution which states:

*“a person who espouses racist views, **has made comments that could incite hatred, contempt or ridicule** towards people of a particular race, religion, ethnic background, county of origin, gender, sexuality, age, disability, or the elevation of one race, religion, ethnic background, county of origin, identified gender, age or disability (or lack of), above others, is **not eligible to be a member of MCC.**”*

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<sup>1</sup> Australian Bureau of Statistics, 2021, Census.

**MCC NSW recommends a comprehensive legislative and policy framework that:**

1. Ensures clarity and precision in regard to definitions of what constitutes a slogan that incites hatred, harassment, intimidation or violence against individuals or groups.
2. Prohibits slogans that incite hatred, harassment, intimidation or violence against individuals or groups.
3. Establishes clear investigative and interpretive mechanisms, with mandated consultation of affected communities and legal and other experts to assess meaning, intent, context, impact, and risk.
4. Strengthens mechanisms for reporting genuinely harmful language and behaviour by affected communities or witnesses of such language or behaviour.
5. Creates responsive procedures and support for imminent threats to community safety, including protective orders and emergency police powers with appropriate oversight.
6. Guarantees mechanisms for formal consultation and advice from threatened communities that provide opportunities for voice to be exercised in relation to decision-making, implementation, and oversight.
7. Sets out clear and thorough implementation processes (codes of practice, enforcement protocols, transparency reporting, and independent oversight).
8. Provides the means for the effective delivery of education and targeted training for the general public, employers and unions, police and security forces, prosecutors, and the judiciary to ensure consistent, rights-respecting processes and outcomes.
9. Recognises and addresses psychosocial and economic harms arising from social disorder, health & safety impacts arising from conflicts especially in workplace environments, educational institutions and places of worship, and impacts on quality of life for residents, productivity, trade and tourism.

These measures are vital for individual and community wellbeing, community cohesion and safety, and for Australians and Australia's economic resilience, given the costs of social disorder, physical and mental ill-health, productivity losses and negative impact to Australia's reputation in the global context.

The minimisation of hate motivated harm is most effective when legal sanctions are paired with community-based interventions that address underlying drivers of fear, misinformation and exclusion. Therefore, MCC NSW recommends that any legislative reforms be implemented alongside:

10. mechanisms for structured consultation with and advice from multicultural and faith-based organisations, including involvement from elders /leaders prior to, during and post rollout to ensure that the lived experience of those most affected can be harnessed to contribute to improving protection and prevention.
11. education and awareness initiatives that clearly explain the intent, scope, and thresholds of the law, as well as investing in public education about multiculturalism, respectful expression, and the harms of misinformation.
12. capacity-building support for community leaders to facilitate dialogue, conflict de-escalation and social cohesion at the local level.

These recommendations align with participatory and community-led approaches used internationally in hate-prevention frameworks<sup>2,3</sup>, designed to actively promote social cohesion, psychosocial and physical safety and freedom from intimidation. Community consultation and capacity building are essential to ensure that prohibitions are workable and effective.

## **MCC NSW Response to Terms of Reference:**

### **A) Threats to Community Cohesion and Safety**

Hateful and threatening slogans pose a direct risk to community cohesion and public safety by normalising hostility, heightening fear, and increasing the likelihood of intimidation and violence against targeted communities<sup>4</sup>. Research consistently shows that public expressions of hatred function as a warning sign for broader social disorder<sup>5,6</sup>. Speech that intimidates, dehumanises or threatens groups contributes to heightened anxiety, retraumatisation, and withdrawal from public life, while also increasing the risk of escalation to violence<sup>3,4,5</sup>.

In launching the United Nations Strategy and Plan of Action on Hate Speech in 2019, the United Nations Secretary-General António Guterres, noted that “there are historical precedents showing that hate speech can be a precursor to atrocity crimes.”<sup>7</sup> Moreover, he noted that: “Hate speech is, in itself, an attack on tolerance, inclusion, diversity and the very essence of our human rights norms and principles,” and that “More broadly, it undermines social cohesion, erodes shared values and can lay the foundation for violence, setting back the cause of peace, stability, sustainable development and the fulfilment of human rights for all.”<sup>8</sup>

Although digital platforms have amplified the reach and speed of inherently hateful, threatening, or violence-inciting slogans, the underlying use of hostile and demeaning rhetoric toward communities has historically posed challenges to community harmony and public safety in Australia. When left unaddressed, such conduct can erode social cohesion and contribute to an elevated risk of discrimination, intimidation and violence. As history

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<sup>2</sup> Zempi, I., Trickett, L., Krulisova, K., & Hamilton, P. (2025). Community conversations as a strategy to prevent hate crime: Facilitators’ reflections. *International Review of Victimology*, 02697580251340991.

<sup>3</sup> Kelly, L., Ware, A., & Barton, G. (2024). Principles for Community Development Programming to Address Violent and Hateful Extremism.

<sup>4</sup> Bilewicz, M., & Soral, W. (2020). Hate speech epidemic. The dynamic effects of derogatory language on intergroup relations and political radicalization. *Political Psychology*, 41, 3-33.

<sup>5</sup> Bilewicz, M., & Soral, W. (2020). Hate speech epidemic. The dynamic effects of derogatory language on intergroup relations and political radicalization. *Political Psychology*, 41, 3-33

<sup>6</sup> Cervone, C., Augoustinos, M., & Maass, A. (2021). The language of derogation and hate: Functions, consequences, and reappropriation. *Journal of language and social psychology*, 40(1), 80-101.

<sup>7</sup> Secretary-General Launches United Nations Strategy and Plan of Action against Hate Speech, Designating Special Adviser on Genocide Prevention as Focal Point | UN Meetings Coverage and Press Releases <https://press.un.org/en/2019/pi2264.doc.htm>

<sup>8</sup> Secretary-General Launches United Nations Strategy and Plan of Action against Hate Speech, Designating Special Adviser on Genocide Prevention as Focal Point. Press Release. PI/2264-SOC/4881. 18 June 2019. <https://press.un.org/en/2019/pi2264.doc.htm>

continues to show, hate speech coupled with disinformation can lead to stigmatization, discrimination and violence<sup>9</sup>.

However, current NSW legislation focuses primarily on explicit threats or incitement to violence, leaving limited tools to address slogans that intimidate and create fear, menace, or social disruption without meeting a criminal violence threshold. There are also gaps in early intervention when slogans escalate tension at rallies, near community sites, especially around places of worship, schools, and community facilities, or online, before physical harm occurs.

Furthermore, there is significant underreporting in NSW of public acts that intimidate, incite contempt or ridicule, particularly when they appear “everyday,” coded, or ambiguous<sup>10</sup>. Underreporting prevents early intervention, allows harmful slogans and commentary to circulate unchecked, and heightens the risk of social disharmony and violence.

### **Recommended Actions**

MCC NSW therefore recommends a framework that:

- prohibits slogans that incite hatred, intimidation or violence
- establishes mechanisms to enable effective risk assessment
- introduces rapid response procedures such as protective orders for imminent threats
- embeds a formal mechanism for the exercise of community Voice
- ensures clear processes for implementation, oversight and education to strengthen cohesion and prevent escalation.

### **(B) Prevention of Inherently Hateful Phrases that Threaten Community Safety**

Protecting communities from hatred, intimidation and violence must be recognised as an essential role of the Parliament, the Executive policing and security services, and the courts. Protection must also encompass our educational, cultural and health institutions, our workplaces, unions and media. As Steven Lowy states in the Sydney Morning Herald (SMH) opinion piece on 12 January 2026, “all these institutions bear some responsibility for an environment where hatred could flourish and warnings could be ignored”.

All measures should be taken to give community groups, regardless of race, religion, ethnic background, country of origin, gender, sexuality, age, or disability, the same protection that is given to individuals and corporations under defamation law. However, it is also important to recognise that some groups are more vulnerable to disproportionate impact e.g., Australia’s Jewish Community.

Slogans need to be identified that are perceived to give rise to and/or have caused intimidation, fear and disharmony within Australia. Protections from harmful statements and slogans need to be extended to entire communities which have been or may be collectively targeted or misrepresented. Preventing the harm caused by inherently hateful slogans requires

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<sup>9</sup> Di Fátima, B., Munoriyarwa, A., Gilliland, A., Msughter, A. E., Vizcaíno-Verdú, A., Gökaliler, E., ... & de Sousa, V. (2023). *Hate speech on social media: A global approach*. Pontificia Universidad Católica del Ecuador.

<sup>10</sup> Gelber, K., & McNamara, L. (2016). Anti-villification laws and public racism in Australia: Mapping the gaps between the harms occasioned and the remedies provided. *University of New South Wales Law Journal*, *The*, 39(2), 485-511.

early identification and regulation of speech that is designed to dehumanise, intimidate or mobilise hostility toward identifiable groups.

NSW law contains no dedicated mechanism for addressing the meaning, context, intent and community impact of slogans, particularly those using coded or symbolic language or conveying anti-semitic or racist tropes<sup>11</sup>. This places unreasonable interpretive burdens on the subjects of anti-semitism and racism to identify and interpret coded language, slogans and symbols that appear ambiguous to outsiders but are clearly threatening to targeted communities. A recent example is provided by the Cathy Wilcox cartoon published in the Sydney Morning Herald and the Age on 7 January 2026.<sup>12</sup> This issue of context and language is discussed in the Ron Levy Opinion Piece, published on abc.net.au on 9 January. Here, Levy highlights that in understanding the context of hateful speech, consideration must be given to “how life experience and the historical treatment of a given group can colour how a group perceives speech about itself”. Levy states that the head of the antisemitism commission will need to “recognise how groups with distinct identities are unusually accustomed and attuned to dog whistles, degrading tropes and outright hateful speech”.<sup>13</sup>

Care is needed to ensure ambiguous or expansive restrictions are not misinterpreted by more dominant or vocal groups that suppress minority perspectives or those who are the subject of hate speech. This risk is particularly acute for communities already facing systemic barriers to the recognition of experiences of hate. For many communities, public expression is essential for highlighting issues, challenging stereotypes, and engaging in civic life. Regulation is needed to ensure that members of communities and groups already navigating social pressures and hate are not too fearful to voice their perceptions and experiences.

The Parliamentary Committee should consider both criminal penalties and financial damages 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. MCC NSW recommends that freedom of political communication does NOT undermine Australians' freedom to live safely.

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<sup>11</sup> Sarah Sorial, 'What Does It Mean to Offend, Insult, Humiliate and Intimidate: Section 18C of the Racial Discrimination Act 1975 (Cth) and the Problem of Harm' (2017) 42 *Austl J Leg Phil* 165

<sup>12</sup> Patrick, A. (2026) 'Bondi: Jewish leaders outraged at cartoon in Nine newspapers portraying royal commission conspiracy'. *The Nightly*, 7 January. <https://thenightly.com.au/australia/jewish-leaders-outraged-at-cartoon-portraying-royal-commission-conspiracy-c-21233803>; Wu, D. (2026) 'Nine newspapers' cartoon on Bondi terror royal commission 'crossed the line', says anti-defamation chair'. *News*, 8 January. <https://www.news.com.au/national/nsw-act/politics/nine-newspapers-cartoon-on-bondi-terror-royal-commission-crossed-the-line-says-academic/news-story/80c971bfbd1b0a71361adfbf9e975350>; Klein, R., (2026) 'Segal condemns Wilcox cartoon as Jewish leaders warn of antisemitic tropes'. *J-Wire*, 9 January. <https://www.jwire.com.au/segal-condemns-wilcox-cartoon-as-jewish-leaders-warn-of-antisemitic-tropes/>

<sup>13</sup> Levy, R. (2026) Virginia Bell's record on the High Court shows why she might be the right person to lead the royal commission into antisemitism - ABC Religion & Ethics <https://www.abc.net.au/religion/virginia-bell-high-court-right-for-antisemitism-royal-commission/106213792>

## Recommended Actions

MCC NSW recommends:

- clear statutory definitions of prohibited slogans: prevention requires clear definitions, early identification (including coded or “dog-whistle” phrases), and consistent thresholds
- a community-informed assessment mechanism, including the possibility for expert input (e.g., socio-linguists, criminologists and other legal experts) to interpret meaning and intent, assess context and impact, and consult affected communities (see for example consultative and specialist approaches in UK guidance and prosecutorial practice)
- mechanisms for formal consultation with and advice from affected communities professional training for frontline decision-makers, including through exposure to those affected by hate speech and related behaviours (Rec. 6) to prevent inherently hateful phrases from becoming normalised and/or weaponised.

### (C) Protecting Communities from Hatred, Intimidation and Violence

Effective protection of communities requires a comprehensive approach that addresses hatred, intimidation, fear and violence across criminal, civil and preventative domains. Targeted communities report significant psychological harms, reduced participation in public life, and increased fear following episodes of hostile public expression<sup>14</sup>. Online amplification worsens these effects, rapidly spreading slogans into workplaces, schools and neighbourhoods<sup>15,16</sup>. Although the Commonwealth provides for recognition and remedies to address the promotion of violence (Criminal Code Act 1995 (Cth), Div. 80.2) and prohibitions and civil remedies for vilification (Racial Discrimination Act s. 18c and s18d, as well as vilification laws in all States and the ACT), affected communities often experience delayed or inconsistent responses from relevant authorities.

Current systems lack coordinated procedures for immediate protection, consistent engagement with affected communities, and clear pathways linking civil, criminal and digital regulation tools, including those under the Online Safety Act 2021.

However, reforms must extend beyond changes to legislation, as “laws tell us what we must not do” but “do not inspire us about what we should become”<sup>17</sup>. As Steven Lowy states in an Sydney Morning Herald (SMH) opinion piece, 9<sup>th</sup> January 2026, it is imperative that “cultural, educational, business, and civic leaders actively model and defend pluralistic values”, “explain why diversity makes us stronger”, “demonstrate that inclusion is not a compliance exercise but a competitive advantage”, and “build bridges between groups that fear each other”.

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<sup>14</sup> Shani, M., Goldberg, D., & Van Zalk, M. H. (2025). “If you prick us, do we not bleed?” Antisemitism and psychosocial health among Jews in Germany. *Frontiers in Psychology*, 15, 1499295.

<sup>15</sup> Byman, D. (2022). *Spreading hate: The global rise of white supremacist terrorism*. Oxford University Press.

<sup>16</sup> Gul, S., & Ashraf, A. (2024). THE ROLE OF THE INTERNET IN THE PHENOMENON OF ISLAMOPHOBIA. *JOURNAL OF INTEGRATED SCIENCES*.

<sup>17</sup> Lowy, Steven. (2026). After Bondi, our leaders needed to draw breath. Now, so do we all. Sydney Morning Herald. Opinion, 12 January 2026.

## Recommended Actions

MCC NSW recommends:

- retain and strengthen NSW Crimes Act 1900 s93Z (publicly threatening or inciting violence online or offline), prohibition of harmful slogans, streamlined prosecutions and guidance for police and prosecutors (Rec. 1)
- rapid protective procedures for imminent threats (Rec. 3)
- structured consultation through a formal Voice to ensure targeted communities have clear and structured mechanisms for input into definitions, procedures and decisions that affect their safety; (Rec. 4)
- integrated cross-agency protocols and guidelines for government departments, statutory authorities, courts and tribunals, local councils, police and related security services, educational institutions, health services, employers, unions and NGOs, to facilitate coordinated prevention and support that lead by example, formalise enforcement and oversight processes, and contribute to social harmony
- resourcing for education and training, with input from relevant communities and groups representing those with experience of hate speech, to ensure consistent protection across institutions and in the public domain (online and offline)

### (D) Best Practice Examples

International experience demonstrates that fragmented or symbolic laws have limited impact, but *well-designed frameworks* directly support prevention and safety. For instance, Sinnar's (2022) analysis on Asian-hate crimes, highlights that well-designed hate prevention frameworks integrate law with education, conflict resolution, and socio-economic interventions, producing stronger preventive effects than punitive measures in isolation<sup>18</sup>. Jurisdictions that rely solely on general public order laws struggle to respond effectively to hate-driven intimidation, while targeted, multifaceted frameworks produce better and more consistent prevention outcomes.

NSW legislation currently lacks a unified model drawing together expert interpretation, community participation, emergency responses, education and training, reporting and transparent oversight in a single framework.

## Recommended Actions

MCC NSW recommends:

- clear definitions of what constitutes an offence
- specialist assessment bodies, with specialist review/consent for complex cases
- explicit safeguards for legitimate expression
- continued community and expert consultation
- multilevel education and training
- combined criminal and civil pathways with digital enforcement tools adapted to NSW's legal and multicultural context.

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<sup>18</sup> Sinnar S, The Conundrums of Hate Crime Prevention, 112 J. CRIM. L. & CRIMINOLOGY 801 (2023). <https://scholarlycommons.law.northwestern.edu/jclc/vol112/iss4/4>

## **(E) Australian Constitution and Implied Freedom of Political Communication**

Australian anti-vilification laws (Racial Discrimination Act and state based anti-vilification laws) have been upheld as striking an appropriate balance between free expression and protection from serious harm. However, ambiguous or poorly implemented restrictions risk constitutional challenge and public mistrust. Conversely, lack of clarity can result in failure to act against genuinely harmful speech and conduct.

NSW defamation law recognises that individuals deserve protection from harmful, false, or damaging statements. If such protections are justified for individuals, then communities—which can be collectively targeted, deserve equivalent safeguards.

### **MCC NSW recommends:**

- strengthening protections against false, malicious, or harmful attacks on communities, ensuring these protections are precisely defined with appropriate oversight and explicit safeguards, transparency and review
- education for decision-makers to ensure constitutional compliance and legitimacy.

## **(F) Existing NSW and Commonwealth Measures**

NSW and Commonwealth laws already recognise the harms associated with hatred and incitement, but remain fragmented and incomplete. Current measures include NSW Crimes Act 1900 s93Z, Anti-Discrimination Act 1977 (NSW), Criminal Code Div. 80 (Cth) and the Online Safety Act 2021. Together, they address serious threats, vilification and online abuse, yet reports from community members indicate continued uncertainty about thresholds, particularly in regard to intimidation, enforcement inconsistency, and limited preventative reach. There is no cohesive framework addressing slogans that intimidate with or without promotion of explicit violence, nor structured engagement mechanisms for communities or consistent interpretive guidance across agencies.

Existing laws tend to focus on violence (NSW Criminal Act 1900 s93Z) or racial vilification (Racial Discrimination Act s18C). They do not consistently capture inherently hateful slogans that intimidate or harass without explicit threats, nor do they guarantee structured community consultation or a unified investigative mechanism for coded language.

### **Recommended Actions**

MCC NSW recommends:

- closing gaps concerning intimidation/severe harassment by slogans that may not meet violence thresholds
- implementing institutional mechanisms for reporting and supporting impacted individuals and communities
- maintaining sustained oversight and training to harmonise NSW practice with Commonwealth powers and digital enforcement.

## **(G) Other Related Matters**

Hateful slogans generate broader social and economic consequences that warrant proactive policy intervention. Studies link exposure to hate-driven hostility with workplace dissatisfaction, physical and mental health impacts, reduced productivity and reputational

harm affecting tourism and trade<sup>19</sup>. Governments also incur significant costs in responding to physical and mental health issues, unrest, enforcement, and community recovery. Current approaches underinvest in prevention, education, and transparency, resulting in higher downstream social and financial costs. Protecting communities from hatred, intimidation and violence supports productivity, workplace safety and retention, sustains tourism and trade, and reduces public costs for policing, courts, and health recovery programs.

By empowering multicultural organisations through resources, capacity-building, and active involvement in policy and community planning, local leaders and advocates can amplify voices from all communities, strengthen bonds across cultures, and more effectively address sources of division. Through collaborative projects and regular engagement, communities can build trust, break down stereotypes, reduce divisions, and nurture a sense of shared identity that transcends individual differences.

### **Recommended Actions**

MCC NSW recommends:

- recognition that protecting communities from intimidation and hatred is essential to Australia's social cohesion, security, health and economic resilience
- the commissioning of an independent cost-benefit analysis quantifying baseline costs of civil unrest and projected savings from prevention/early intervention
- incentives for businesses and employers to adopt measures in support of the prohibition of slogans that incite hatred and threaten community safety

### **Conclusion**

In the interest of community safety and social cohesion, MCC NSW supports measures to prohibit slogans that incite hatred and threaten community safety. MCC NSW urges the NSW Government to strengthen protections against harmful verbal attacks on communities, just as defamation law protects individuals and corporations. MCC NSW strongly advocates for the introduction of mechanisms and processes for engaging and consulting with affected communities. MCC NSW stands ready to work with policymakers, educators, and community leaders to promote respectful expression, social cohesion, and a vibrant multicultural society.

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<sup>19</sup> Martell, M. E. (2023). Economic costs of hate crimes. *Bard Center for the Study of Hate*. [https://bcsh.bard.edu/files/2023/03/BCSH-Economic-Cost-of-Hate\\_3-13-23\\_Online-.pdf](https://bcsh.bard.edu/files/2023/03/BCSH-Economic-Cost-of-Hate_3-13-23_Online-.pdf).