

**Submission
No 83**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Australia Forum Inc.

Date Received: 12 January 2026

Submission to NSW Parliament Inquiry: Measures to prohibit slogans that incite hatred

Introduction

Who are we?

Australia Forum was established in 2003. It is an organisation that embraces Australians of all ethnicities and religions, whilst having a core attesting to the Islamic faith, and represents a cross section of Australians from all walks of life. We seek to cultivate virtues, values, wellbeing and betterment at the level of the individual, family, community and nation.

Our Submission

We tender our submission, recognising the context in which this Inquiry sits—being the aftermath of the tragic Bondi shootings of 14 December 2025 when two gunmen opened fire on a Hanukkah gathering, killing 15 and injuring many others. The two gunmen were alleged to be motivated by antisemitism and alleged to be associated with ISIS.

Notwithstanding, Australia Forum Inc. opposes proposals to ban or criminalise political slogans, on the basis that there are already sufficient protections against hate speech and incitement to violence within existing state and federal jurisdictions. Secondly, our position is that there is no evidence or causal link between the Bondi attack and protest movements, slogans and the language targeted for prohibition. The prohibition of certain slogans and expressions on the grounds of public safety, social harmony and prevention of hate, lacks legal foundation and evidence, and therefore works against the stated aims of the Inquiry. Thirdly, we are concerned that banning political language would undermine protest rights, disproportionately impact minority communities, and weaken democratic participation in NSW.

In so doing, we underscore that Australians will have different perspectives on political issues and that we have a right to express these views, and also to protest in a way which is respectful. We underline, also, that the silencing of one community's legitimate political expression over another's—through bans or criminalising of political slogans—is more likely to deepen division and tension between communities AND to foment mistrust with government, rather than promoting social cohesion or trust in government.

Furthermore, our position on the Inquiry's terms of reference, does not start from the premise that protest slogans such as "globalise the Intifada" and "from the River to the Sea Palestine will be free" are linked to Bondi attack, as has been made in Australia¹ and overseas². There is no evidence that there is such an association, and this only serves to mute and silence political protest and expression.

Our imprimatur, on the other hand, begins from the belief that Australian political expression—from soap box preachers in Sydney's Domain to protest marches for all manner of public grievance—have significantly enlivened and actualised the reality of Australian democracy since Federation, and therefore its erosion would be an anathema.

Broader considerations regarding proposed bans on slogans

The self evident mandates for cohesion and safety should not pose a barrier to legitimate non-violent criticism of injustices and oppression occurring locally and globally.

We believe that making changes to ban protest slogans will have far reaching ramifications, negatively impacting the public's right to free speech as well as the rights of disadvantaged and marginalised minority groups within the broader community, such as those of Aboriginal and Torres Strait Islander backgrounds and those of Palestinian and Muslim background. Such a ban serves to silence their voices and limit their ability to express themselves. This unfair restriction of voice and truth-telling is detrimental and deleterious to community wellbeing of First Nations Peoples, as well for disadvantaged minority groups.

For Aboriginal and Torres Strait Islander communities, voice and storytelling is central to social, emotional, and cultural wellbeing. Restricting speaking about issues such as discrimination, racism, historical injustice, or systemic inequality can lead to feelings of powerlessness, invisibility, exclusion and mistrust (Australian Human Rights Commission³). Similarly, marginalised groups more broadly rely on freedom of expression to participate in truth-telling, public protest and debate and to advocate for change and influence decisions that affect their lives.

¹ NSW Government to crack down further on hateful symbols and slogans.

<https://dcj.nsw.gov.au/news-and-media/media-releases/2025/nsw-government-to-crack-down-further-on-hateful-symbols-and-slog.html>

² 'Benjamin Netanyahu lashes out at Anthony Albanese over Bondi Beach shooting' *ABC News* 15 Dec 2025,

<https://www.abc.net.au/news/2025-12-15/israels-pm-benjamin-netanyahu-lashes-out-over-bondi-shooting/106142722> [accessed 09-01-2026]

³ Australian Human Rights Commission (n.d.) *Freedom of information, opinion and expression*. Available at: <https://humanrights.gov.au/our-work/rights-and-freedoms/freedom-information-opinion-and-expression> And Australian Human Rights Commission (n.d.) Protest rights in Australia: An explainer. Available at: <https://humanrights.gov.au/resource-hub/by-resource-type/publications/rights-and-freedoms/guides/protest-rights-australia-explainer>

Speech restrictions can create a chilling effect that encourages self-censorship due to fear of legal or social consequences (Australian Government, Attorney-General's Department⁴). International research shows that limits on freedom of expression disproportionately affect disadvantaged communities, reinforcing existing power imbalances and deepening social exclusion, which in turn harms overall wellbeing in the community (UNESCO⁵).

Governments must be careful not to weaponise and criminalise political slogans and phrases through law-fare, significantly muting diverse and marginalised voices in the community. This will only serve to deepen community division and mistrust in government, rather than to promote social cohesion.

Recent Protests in NSW

Protests, strikes, marches and public demonstrations are all legitimate forms of social and political expression within democratic societies. In Australia, protest actions allow individuals to come together to articulate issues of importance to them, and to raise points of objection to particular situations in Australia and/or abroad. Protesters in voicing their concerns, often call on their governments to take their perspectives into consideration, with the hope that said governments can act on or advocate on their behalf, internally or in the international sphere. Protestors everywhere around the world commonly communicate by employing the use of slogans, chants, songs, banners, flags, and placards, to convey their messages. These are natural forms of expressions and are not usually inherently hateful. Slogans are often designed to make people uncomfortable or to be emotive. These may be unpopular but this is not against the law. They are more likely than not, one of the few legitimate forms of political forms of communication available to the public, allowing for many people to attend and to be in solidarity on a particular issue.

Over the past two years there have been many issues that have been peacefully protested. Protests have been held regarding

- better working conditions for teachers, nurses and transport workers
- stronger climate change policies and action,
- against the manufacture and international transportation of weapons machinery,
- advocacy for indigenous rights and justice, such as Aboriginal deaths in custody, Invasion Day protests and land rights claims
- stronger gun control laws
- an end to the ongoing destruction of civilian life and infrastructure in Palestine
- foreign interference in Venezuela

⁴ Australian Government, Attorney-General's Department (n.d.) *Right to freedom of opinion and expression*. Available at: <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-opinion-and-expression>

⁵ UNESCO (2022) *Silenced voices: Why freedom of expression is receding worldwide*. Available at: <https://www.unesco.org/en/articles/silenced-voices-why-freedom-expression-receding-worldwide> [accessed 12-01-2026]

Despite opposition, a peaceful protest that NSW can rightfully be proud of, was the attendance of 300,000 people at the “March for Humanity to Save Gaza” across the Sydney Harbour Bridge on 3 August 2025. Good hearted, caring Australians of all ages and cultural backgrounds braved inclement weather to protest the ongoing destruction in Gaza. The march upheld the very important Australian and Universal values of freedom of speech, human rights, equality of all life, and the call for an end to the genocide of innocent peoples.

The Australian Constitution provides an implicit right to political freedom of expression and thought, even for unpopular views. To suggest that such protests and their associated slogans are problematic and that they incite hatred, threatens community cohesion and safety, is untenable and lacks any evidence, rendering it incorrect to make this association. Citizens must have the right to be heard. Banning such a protest and its associated slogans would have been a regressive step for Australian democracy. Such protests do not incite hatred or threaten community cohesion and safety, but rather strengthen the democratic fabric of society, in which divergent, peaceful voices are valued and recognised as positive.

Community cohesion and safety

“ 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; ...”

There is no proof that slogans, such as the abovementioned, on their own, endanger community safety. Based on evidence and observations from around the world, they are utilised in peaceful demonstrations to convey political dissent, show solidarity, and advocate for justice. Suppressing the political expression of one community is more likely to exacerbate division and suspicion rather than foster social unity and trust in government.

Little evidence is presented that the use of these slogans, in and of themselves, either jeopardises community cohesion and safety or undermines the importance of maintaining social harmony and cohesion. Our experience and observation is that they are used in peaceful protests, by Australians of all faith and non-faith persuasions—whether Muslim, Christian, or Jew, or other—to express political opposition, solidarity and calls for justice.

As regards the meaning and intent of the aforementioned slogan, “from the river to the sea”, the general consensus and spirit of the protestors is for freedom and equality for all, in the lands of historic Palestine, whether Muslim, Christian, or Jew. This, therefore, is consistent with the Australian ethos of a pluralistic and democratic society; AND, in turn, is consistent with the principles and practices of community cohesion and safety, and upholds the importance of maintaining social harmony and cohesion. Furthermore, there is no evidence that the slogan has been used as an endorsement or expression of sympathy for any terrorist organisation or extremist group.

On the specific point of the slogan, “globalise the intifada”, there is no express or implied challenge or threat to community cohesion, safety, and harmony. “Intifada” in the first instance is simply an Arabic word meaning to “shake off” or “to rise up”. It can be dangerous and ill-informed to suggest meanings to words in foreign languages that do not represent their original meaning, intent and current usage. In the second instance, the term ‘intifada’ has been used consistently and historically to refer to the legitimate struggle of the Palestinian people for self-determination. The UN General Assembly used the term “intifada” to describe the 1987 uprising of Palestinian people against the actions of Israel. In the third instance, furthermore, to ‘globalise’ it is simply the call for international solidarity with and action in support of Palestinian human rights and self-determination.

The slogan, therefore, emphasises the interconnectedness of struggles for rights and freedoms, inviting activists globally—whether Muslim, Christian, or Jew, etc.—to join the cause in various ways, whether through advocacy, education, or other activism. The slogan, “globalise the intifada”, in and of itself, makes no express or implied challenge or threat to community cohesion, safety, and harmony. It rather enjoins people of good will to express solidarity with the Palestinian people in their struggle to “shake off” Occupation, to “shake off” an Apartheid existence, and to “shake off” this latest Genocidal push (since October 2023) that threatens their very existence. These inherent rights are backed by international law and the right of freedom of expression available to the Australian public.

This Inquiry poses the importance of needing to have a strong evidence base and legal framework in terms of banning slogans. In 2024 there were reports of slogans being used which all Australians would find abhorrent, and were later found to be fabricated. Herein lays the danger for governments in enacting new laws and measures without solid evidence⁶. In the words of a NSW barrister, Felicity Graham, “These fake words travelled the world, changed the law which did not need changing, and delegitimised and demonised the Palestinians.”⁷

We are concerned that criminalising political slogans and phrases, can indeed be weaponised to effectively stifle, mute, and silence legitimate political expression— through ‘law-fare’— esp. against those that represent less mainstream, less privileged, marginal, and/or minority political voices.

Silencing one community’s political expression is more likely to deepen division and mistrust than to promote social cohesion.

Claims that slogans are “inherently hateful”

“ 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; ...”

⁶ ‘Police review finds no evidence ‘gas the Jews’ phrase chanted at Sydney Opera House protest’, *SMH* 02-Feb-2024, <https://www.smh.com.au/national/nsw/police-review-finds-no-evidence-antisemitic-phrase-chanted-at-sydney-opera-house-protest-20240202-p5f1v7.html> [accessed 10-01-2026]

⁷

Slogans cited in this Inquiry have contested meanings and are used in different ways depending on context. Treating them as “inherently hateful” is wrong and removes the need to consider intent or actual harm. Political disagreement or offence should not be treated as criminal conduct. Restrictions on speech should be limited to situations involving genuine threats, intimidation or violence.

Banning slogans, symbols, and/or colour schemes emblematic of political opinion, persuasion, or viewpoint—that are not explicitly and/or intentionally meant to incite hatred and violence—should not be banned; even if they may offend sensibilities and feelings of sections of the community.

It is a truism that a robust democracy thrives on the airing and debating of divergent views. However, what is critical to a robust democracy is also a robust citizenry: a citizenry able to divergently speak and stand up for the views they hold, to hear out contrary ones without being aggrieved, and to civilly engage in public debate.

Therefore, the banning of slogans (that accompany legitimate political expression) so as not to offend sensibilities and feelings of some, also profoundly offends the very ideal of what it is to live in a democratic society.

Protecting communities from hatred and violence

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

We strongly support protecting all communities from hatred, intimidation and violence. NSW already has criminal laws that address incitement to violence, threats and harassment. These laws focus on harmful conduct and provide appropriate safeguards.

New laws banning political slogans such as “Globalise the intifada” and “From the river to the sea” are unnecessary. As described above, the term ‘intifada’ has been used consistently and historically to refer to the legitimate struggle of the Palestinian people for self-determination. The UN General Assembly used the term “intifada” to describe the 1987 uprising of Palestinian people against the actions of Israel.

These slogans have been used in a variety of contexts, including to oppose the genocide in Gaza and express the Palestinian desire for statehood. The slogan “from the river to the sea, Palestine will be free” is consistent with the Australian Government's official recognition of Palestinian Statehood on 21 September 2025.

The idea that banning slogans will moderate the risk of extremist violence is false. There are no links between the use of these slogans and extremist violence and the difficulty of evaluating the risk of a person engaging in extremist violence. Mr Grant Donaldson SC, the Independent National Security Legislation Monitor, has expressed doubt that there could ever be a valid

quantitative method to evaluate the risk of a person engaging in extremist violence because ‘within the pool of offenders, the variety of extremist violence and its causes is so diffuse that prediction of future acts is impossible’⁸.

The exponential rise of Islamophobia

Hatred and violence in the form of Islamophobia, towards members of the Australian Muslim community has increased by a vast 740% since the Bondi attack.⁹ These are only the reported incidents to the Islamophobia Register and it is believed this figure underestimates the true extent of this problem. One tragic example was witnessed over the weekend when an Imam from Victoria and his wife were subjected to “a vicious and religiously motivated assault”, of anti-Muslim hatred, racist abuse and violence¹⁰.

The real challenge for the government is to address this issue of all forms of racism, including religious discrimination, hatred and violence, and specifically Islamophobia. This is done by tackling unfair and biased media reporting, unchecked and irresponsible racist commentary and rhetoric employed by particular politicians, and the long history of acts of hatred and violence towards Australian Muslims from many cultural and linguistic backgrounds.

Better approaches than banning slogans

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

Promoting education, fostering dialogue, implementing anti-racism programs¹¹, and utilising current criminal laws are more effective strategies for combating hatred and violence than simply prohibiting certain words or phrases. Widespread bans on slogans associated with legitimate political expression may actually increase conflict rather than diminish it.

The approach and intended policy & procedures of banning slogans and penalising offenders could prove to be a cumbersome and clumsy exercise. For example the following questions arise: What body, or arm of government, would be charged to administer the ‘list of slogans’? What protocol or procedure vets, considers, and makes rulings on the banning or otherwise of such slogans? Will there also be protocols to challenge or appeal a ‘banned slogan’? How long

⁸ Quoted in: *Submission Guide: NSW Parliament inquiry into banning protest slogans*, <https://legalobserversnsw.org/2026/01/06/submission-guide-nsw-parliament-inquiry-into-banning-protest-slogans/>

⁹ ‘Islamophobia has surged since the Bondi attack, Australia’s Muslim community should not have to endure this abuse’, *The Guardian* 02 Jan 2026 <https://www.theguardian.com/commentisfree/2026/jan/02/islamophobia-surged-bondi-attack-australia-muslim-community-ntwnfb> [accessed 11-01-2026]

¹⁰ Australian National Imams Council *Media Release* 11 January 2026, ‘ANIC Condemns White Supremacist Hate Crime against Victorian Imam and His Wife’.

¹¹ ... NB. without ‘exceptionalising’, too much, either Islamophobia or Antisemitism.

does such a slogan ban remain in force? Who will police and enforce the bans, and what powers will be conferred upon them to investigate, gather evidence, make arrests and lay charges? These questions ominously evoke Orwell's 'Thought Police' and his 'Ministry of Truth' in *Nineteen Eighty-Four*, but in 2026.

And, it should also be considered that by criminalising slogans, which are ubiquitous political expressions, the question further arises as to whether Australian governments risk bolstering a new and burgeoning class of incarcerated persons, viz. 'political prisoners'.

Free political expression

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

Prohibiting particular political slogans would impede political discourse and demonstrations. Expressions of political opposition to occupation, apartheid, genocide, or state violence should be safeguarded rather than targeted for retribution.

The Australian Constitution provides an implied freedom of political communication and serves to limit the interference of government from restricting such. It recognises that political speech is protected and that it is necessary for our system of representative government¹². This provides an important safeguard for the Australian public and their rights to free political communication, freedom of opinion, and freedom of expression, whether the information or ideas be favourable or unpopular¹³.

Whilst not having an explicit bill of rights in this country, Australia is signatory to seven international human rights treaties and has signed and/or ratified six optional protocols within those treaties, further strengthening our human rights protections¹⁴.

In the case of this Inquiry, any laws banning specific slogans should be addressed via existing hate speech and related legislations. Otherwise this opens the door to legal challenges and works against the freedom of political expression implied by the Australian Constitution.

¹² *Freedom of Speech*, Australian Law Reform Commission, https://www.alrc.gov.au/wp-content/uploads/2019/08/fr_129ch_4_freedom_of_speech.pdf [accessed 12-01-2026]

¹³ *Right to freedom of opinion and expression: Public sector guidance sheet*, <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-opinion-and-expression#what-is-the-right-to-freedom-of-opinion-and-expression> [accessed 11-01-2026]

¹⁴ 'Australia's International Human Rights Obligations', Law Council of Australia, <https://lawcouncil.au/policy-agenda/human-rights/australias-international-human-rights-obligations> [accessed 11-01-2026]

A more valuable use of public resources would be in adopting a Bill of Rights for NSW which is unbiased and is in line with the Australian Constitution and the various International human rights conventions we are signatories to.

The current focus on banning slogans and therefore political speech, is reactive with no evidence base, and runs counter to the freedoms we currently have. Such bans will serve to unfairly criminalise minorities and disadvantaged communities. Banning slogans risks becoming a mechanism for repression and of silencing legitimate voices that stand for human rights. These do not bode well for the state of New South Wales' standing as a liberal democratic society.

In fact, protesting, critiquing, standing against, and condemning genocide, ethnic cleansing, apartheid, occupation, concentration camps, ethno-supremacist governance, racial supremacy, human rights violations, etc., advances democracy and a liberal society.

Curtailling this would only diminish the State's standing as a democratic and liberal society. It would diminish the State's credibility in reconciling with its own history steeped in genocide of Indigenous peoples.

It would diminish its standing on the world's stage as an exemplar of a free and fair democratic society. And, it would diminish its credibility to speak up for oppressed peoples and advocate against persecution and human rights abuses around the world.

Existing laws are sufficient

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

NSW and Commonwealth laws currently have capacity to deal with genuine threats to safety. Expanding into bans on political language risks inconsistent enforcement and overreach without improving community safety.

- The existing section of the NSW Crimes Act (s93Z) could be used to assess the use of such slogans contextually to determine their meaning and whether they can be associated with calls for violence.
- All legislation and associated measures must have built into them, mechanisms for relying on evidence based protocols, transparency and procedural fairness.

Other concerns

“ g) Any other related matters. ”

We are concerned with the rushed nature of this Inquiry into banning slogans and the lack of evidence base drawing a connection between protest slogans and incitement of hatred and violence.

Transforming political language into a basis for enforcement may escalate tensions between police and citizens during protests and erode trust between communities and authorities. These consequences threaten long-term community safety and social cohesion.

Although not directly about the referred symbols, guidance from the UN Human Rights Committee 71 General Comment 37 on the Right to Peaceful Assembly in the ICCPR is important to note for what it says about the use of signs/banners and symbols: Generally, the use of flags, uniforms, signs and banners is to be regarded as a legitimate form of expression that should not be restricted, even if such symbols are reminders of a painful past. In exceptional cases, where such symbols are directly and predominantly associated with incitement to discrimination, hostility or violence, appropriate restrictions should apply¹⁵.

All Australian Governments have an obligation to guarantee the right to protest and to protect protestors as outlined in the International Covenant on Civil and Political Rights (ICCPR) also as signatory to the Universal Declaration of Human Rights¹⁶. The imposition of excessive criminal penalties for protest actions undermines fundamental rights to free expression and assembly.¹⁷ Prohibiting certain slogans as a possible criminal offence can be seen as using executive powers to restrict protest actions beyond what is necessary for community safety and an unacceptable intrusion of the right of the protestor.

The Right to Protest document produced by the Human Rights Law Centre¹⁸ has been endorsed by over 120 civil society organisations in Australia. It outlines the standards that all Australian Government agencies must uphold. This includes that protestors must have their human rights protected, the right to be free from arbitrary arrest and detention, and the right to be free from cruel, inhuman or degrading treatment or punishment. It highlights that participating in a protest is not an invitation for surveillance. Surveillance must not occur unless it is proportionate and

¹⁵ [Submission Guide: NSW Parliament inquiry into banning protest slogans](https://legalobserversnsw.org/2026/01/06/submission-guide-nsw-parliament-inquiry-into-banning-protest-slogans/), <https://legalobserversnsw.org/2026/01/06/submission-guide-nsw-parliament-inquiry-into-banning-protest-slogans/>

¹⁶ United Nations (1948) Universal Declaration of Human Rights. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁷ [RIGHT TO PROTEST BILL 2025 Explanatory Memorandum](#)

¹⁸ [declaration-right-to-protest-pdf-af6a7d.pdf](#)

ordered by the courts or that it is suspected that there is planning of a serious crime. To monitor or survey the slogans will also create this tension of protestors being carefully monitored, surveyed, and suspected of committing crimes during a peaceful protest. This will automatically create tension, fear, and ultimately impinge on efforts of social cohesion or community safety.

We recommend to the Committee that:

No additional political slogans or symbols be banned or criminalised, including those associated with Palestinian advocacy.

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.

Palestinian symbols, slogans and expressions of solidarity be explicitly recognised as protected political communication, not hate speech.

Legislation and guidance clearly distinguish between universally recognised hate symbols and political expression opposing occupation, apartheid or state violence.

Existing criminal law to continue to address genuine threats of violence or intimidation without expanding into content-based regulation of political speech.

Protest rights and political expression be clearly protected within NSW criminal and public order law.

Introducing a Charter or Bill of Rights for NSW.

Addressing and combatting systemic disadvantage and Islamophobic discrimination, racism, hatred and violence, including tackling unfair media and political rhetoric.

Providing mechanisms and protections which empower the right of political participation and expression for Aboriginal and Torres Strait Islander and marginalised communities.

Encourage and fund positive, as opposed to negative community education programs, which tackle discrimination for all people, utilising social justice frameworks and equitable access for the NSW public, in line with the Australian Constitution and our international civil and human rights obligations.