

**Submission
No 84**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Youth HEAR

Date Received: 12 January 2026



Attn: Legislative Assembly Committee on Law and Safety

Re: Inquiry on measures to prohibit slogans that incite hatred

1. Youth HEAR (Holocaust Education and Remembrance) makes the following submission to the NSW Legislative Assembly's inquiry into Measures to prohibit slogans that incite hatred.
2. Youth HEAR is an organisation dedicated to mitigating hate in Australia by connecting young adults with the memory of the Holocaust. Youth HEAR was founded by the grandchildren of Holocaust Survivors motivated by the need to learn the lessons of the past.
3. We strongly support the introduction of new measures to restrict the public use of slogans which incite contempt and hatred of groups, in order to preserve community cohesion.

Threat posed by the use of phrases that incite hatred

4. Youth HEAR educates young people about the dangers of hatred by reference to the Anti-Defamation League's Pyramid of Hate.



5. The Pyramid identifies actions such as the use of slurs, name-calling, and bias-motivated de-humanisation as *acts of prejudice*. When lower level behaviours



are permitted in society, a permission structure is created which allows for upper level behaviours to flourish.

6. Unfortunately, we are now seeing the results of unchecked hatred and hate speech in New South Wales. At the beginning of 2025, we saw antisemitic arson attacks and vandalism threaten the safety and good order of our state. In December, we saw this escalate to murder, with the targeted killing of fifteen innocents at a Chanukah event in Bondi Beach.
7. We believe that any slogans which incite hatred and/or violence against any groups in our society should be prohibited and those prohibitions strictly enforced.

"Globalise the intifada"

8. In our view, allowing the public use of the term "globalise the intifada" creates a dangerous permission structure for the spreading of bias-motivated violence towards members of the Jewish community.
9. Some have justified the use of the word *intifada* in protest by reference to its literal translation, "the shaking off". The reality of bias motivated hate speech is that often words and phrases that may be construed benignly in their literal form take a far more dangerous character in context.
10. Both the First and Second Intifadas were a period of intense violence and terrorism in Israel and the Palestinian territories. Jewish civilians were targeted in Israel and subjected to suicide bombings, stabbings, lynchings, and other incidents of terrorist violence.
11. A call to "globalise the intifada" in the context of renewed tension between Israelis and Palestinians therefore cannot be construed as benign. It encourages and incites individuals who take a particular view of the conflict to target Jews in the diaspora and commit acts of violence against them. It normalises a rejection of democratic debate in favour of the use of violence and terrorism to achieve political outcomes.

How best to prevent the use of hateful phrases

12. Youth HEAR, along with other organisations such as the Sydney Jewish Museum and Courage to Care, provides education programming to school students. These programs help students understand the danger of hate speech and bias-motivated acts in order to stop their spread.
13. We are encouraged by the inclusion of Holocaust education in the new school curriculum. We would recommend also requiring schools to teach students about antisemitism among other forms of bias-motivated hatred.

Legal issues

14. We do not submit to this inquiry as legal experts, however, we do wish to offer some commentary on the constitutionality of measures that would prohibit slogans that incite hatred, and the suitability of existing laws.

Existing laws

15. In our view, section 93Z of the *Crimes Act 1900* likely already prohibits publicly calling for an intifada. As per the above, we believe that it is clear that calling to globalise the intifada constitutes intentionally or recklessly inciting violence towards a group of persons on the basis of their race and/or religious belief or affiliation.
16. We note that the Premier publicly stated on the 20th of December, 2025, that the government possessed legal advice which indicated that these chants were contrary to existing law.



17. Irrespective of the outcome of this inquiry, we believe that section 93Z prohibits calling for an intifada and that anyone who engages in use of this slogan publicly should be prosecuted.

The Australian Constitution and the implied freedom of political communication

18. The implied freedom of political communication allows for prohibitions on speech and public expression where they are consistent with the constitutionally prescribed system of representative democracy, and where they are proportionate to the purpose sought.
19. Whilst there has not been significant judicial attention paid to the constitutionality of hate speech under the implied freedom, there has been some consideration of this issue in the debates surrounding reforms to section 18C of the *Racial Discrimination Act 1975* (Cth). In particular, we append to this submission a submission made by the Gilbert + Tobin Public Law Centre to an inquiry held by the Commonwealth Parliament's Joint Parliamentary Committee on Human Rights.
20. In particular, we quote the following (in reference to *Monis v the Queen* and *Coleman v Power*):

What can be taken from these two cases is that the High Court is likely to strike down legislation that protects against offensive behaviour without some additional social threat.
21. We believe that the social threat posed by hate speech is significant and wide reaching, as we have discussed above. The presence of hate speech in society is not merely an impediment to safety and good order, but also a threat to our representative democracy.
22. Representative democracy requires that Australians are able to debate sensitive issues without the fear of violence, intimidation, or discrimination, particularly on the basis of their characteristics. A political environment which allows for offensive slogans like *globalise the intifada* to flourish is not one which allows for the orderly conduct of political debate and discourse.
23. Accordingly, we believe that any laws which burden the freedom only to prohibit such hateful slogans will be proportionate to the purpose of promoting social cohesion and will be consistent with the constitutionally prescribed system of representative democracy.

Attachment A: Submission to the Parliamentary Joint Committee on Human Rights on Inquiry into the Freedom of Speech in Australia (30 November 2016)

Submission 107 - Associate Professor Gabrielle Appleby, Professor Rosalind Dixon, Ms Gemma McKinnon, Associate Professor Sean Brennan (Gilbert + Tobin Centre of Public Law at UNSW)