

**Submission
No 86**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Zimbabwe Association in Australia NSW

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Submission to the Parliament of NSW Committee on Law and Safety

Regarding the

'Measures to prohibit slogans that incite hatred' Inquiry

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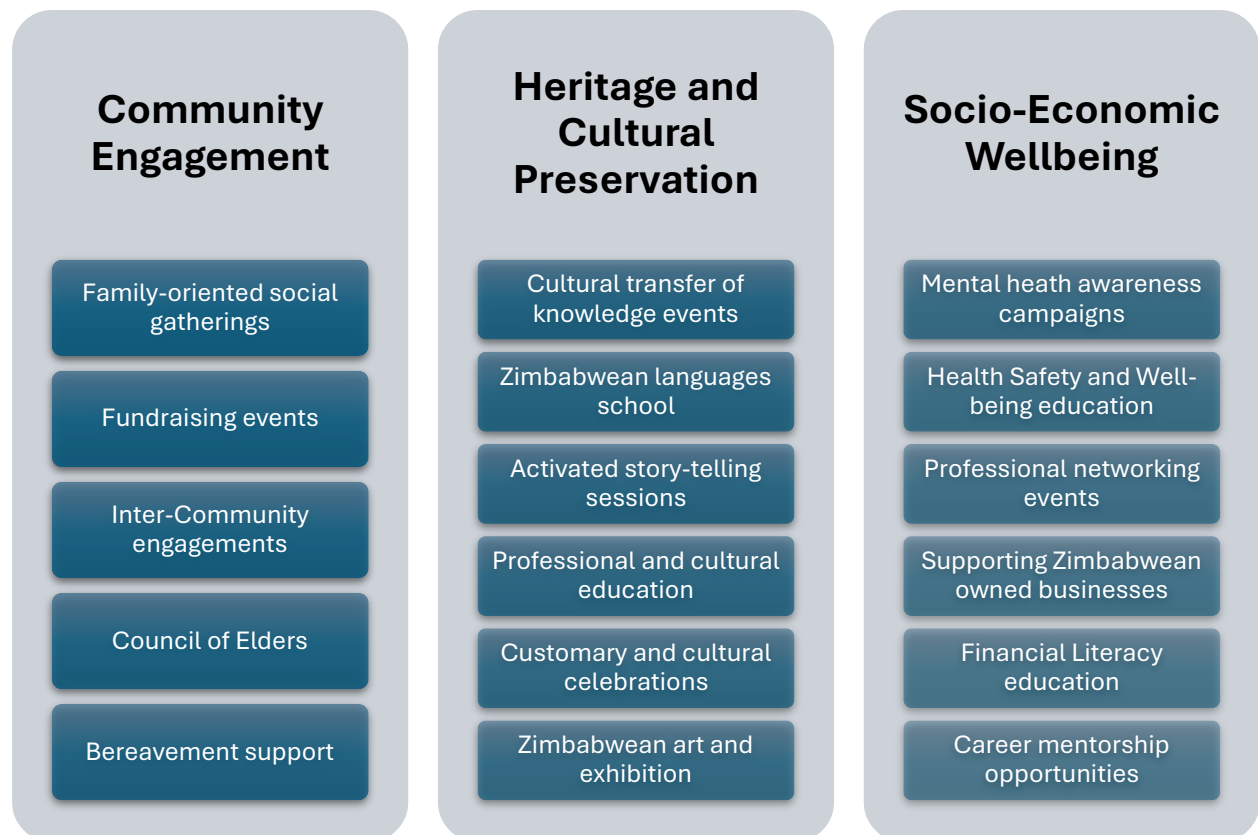
ZIMAA NSW acknowledges and pays deepest respects to the traditional owners and custodians on whose land we walk, work and live. When discussing racialised and systemic inequities for Black and African Australians, we recognise the ongoing the interpersonal and systemic disparities that First Nations people experience because of colonial impacts.



About ZIMAA

The Zimbabwe Association in Australia (ZIMAA), NSW Incorporated was established in 2004 as a community group and later incorporated in 2018. ZIMAA is led by a group of dedicated volunteer Executive Directors to cater for the needs of all Zimbabwean people living in NSW Australia.

For over 21 years, ZIMAA has envisioned the promotion, preservation and resourcing of Zimbabwean cultural values and traditions within the multicultural Australian community. ZIMAA intends to enhance social cohesive opportunities between the Zimbabwean and Australian community. ZIMAA initiatives have ranged from:





Abstract

The Zimbabwe Association in Australia, New South Wales (ZIMAA NSW) welcomes the Committee's inquiry into slogans and slurs used to intimidate communities and instil fear of violence. The repeated public use of the epithetic slurs such as the N-word, animalising epithets and similar phrases aimed at Black and African people has measurable and negative impacts to the mental health, schooling, social cohesion and community safety. Australian evidence reports common usage of racialised epithetic slurs in schools and public spaces. Peer-reviewed literature highlights the negative individual and systemic implications of exposure to racial slurs and online hate speech, including PTSD symptoms, depression, cumulative harms that reduce a community's sense of safety and belonging. These negative impacts are magnified when slurs are used or tolerated by authority figures or institutions. These slogans and slurs towards Black and African people operate as tools of intimidation that deliberately instil fear of violence, exclusion and social erasure. Parliamentary and policy responses must therefore be evidence-informed, narrowly targeted at conduct that creates credible threats or incitement to violence, and coupled with funded, culturally safe supports and independent oversight to avoid racialised enforcement.

Response to Committee's TOR

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 (with particular lens on Black and African people);

Overall extremist propaganda and incitement to violence

ZIMAA NSW notes that extremist propaganda whether displayed publicly, circulated online, or voiced by fringe political actors can operate as direct incitement and a form of intimidation. In the context of the Israel–Palestine conflict, human-rights organisations, international media and governmental statements have documented instances where extremist settler groups, online posts and some political figures used dehumanising language or imagery and celebrated or called for the destruction of whole communities. ^{i, ii} These communications have been widely condemned and, in some cases, prompted sanctions and formal government responses. ⁱⁱⁱ Such material functions



exactly as the Committee's Terms of Reference identify. It targets a community, communicates the acceptability of mass harm, and risks normalising violence among broader audiences. ZIMAA NSW therefore urges that any definition of "extremist propaganda" in draft measures explicitly cover extremist content produced by any political, religious or national community and that remedies be applied to extremist actors, where the legal threshold for incitement is met, irrespective of their ideology or identity.

Dehumanising racial slogans, epithets and slurs intimidate and incite fear in Black and African people

Racial slurs, epithets and violent slogans operate across overlapping mechanisms of dehumanisation, collective targeting, signalling of potential violence, vicarious trauma, institutional normalisation and online amplification. The N-word, animalising slurs such as "monkey" or "ape", and derogatory racial labels function to strip Black people of their full human status. This dehumanisation has a direct behavioural and social effect.^{iv} Psychological and sociological research shows that dehumanising language is one of the strongest predictors of legitimised violence against minority groups. Hate speech creates a cognitive framework in which aggression becomes acceptable and even justified. Exposure to such language even without physical violence communicates that Black and African people are not fully protected by social or moral norms.^v Additionally, empirical studies show positive associations between online hate speech and offline hate crimes and correlation between public Anti-Black and Anti-Muslim hateful rhetoric with increases in racially or religiously aggravated offences towards Black and Muslim populations.^{vi} Each racialised mechanism reduces the sense of safety for Black and African communities and can precipitate withdrawal from schools, workplaces and civic life^{vii,viii}.

Australian examples of racialised Anti-Black threats to community cohesion and institutional tolerance

Australian reports and news coverage show institutional failure to act decisively which can amplify harm in schools, universities and government institutes.

- Australia's parliamentary and security assessments such as Senate reviews and ASIO threat assessments identify the contemporary far right, inclusive of white-supremacist ideologies, as a domestic extremist risk with demonstrated capacity for violence ([access here](#)).^{ix} Institutional failure to name or effectively disrupt organised white-supremacist networks creates risks for targeted communities, including Black and African Australians. At the same time, broad securitisation without safeguards can produce racialised policing that



again harms minoritised communities. Policy responses therefore need to thread a narrow needle that robustly counters organised white-supremacist violence while avoiding disproportionate surveillance or criminalisation of racialised communities.

- Between 2016 to 2018, with ongoing ramifications, moral panic was incited following senior political figures and media repeatedly refer to “African gang violence” as a public worry despite evidence that the concept of organised “African gangs” was exaggerated or overstated.^{xix} Community research documented increased racist abuse, social exclusion and fear among young African Australians during and after the panic.^{xxi} The political amplification legitimised public hostility and normalised stereotyping. These narratives are important because studies on hate and prejudice show that framing an ethnic group as criminal or dangerous increases stigma and social distance between groups and can contribute to discriminatory attitudes and behaviour.
- The South Australian Everyday Racism for Children and Young People 2024 report ([access here](#))^{xxiii} highlighted the repeated use of slurs (including the N-word) and other racist behaviours in schools threatened the young Black and African children’s belonging and safety causing school disengagement and trust in institutions.
- High-profile institutional incidents such as the 2023 Monash tutorial controversy ([access here](#))^{xxiv} where a tutor repeatedly used the slur and a recent Federal Court claim alleging repeated slurs and monkey stickers at a prominent Adelaide school ([access here](#))^{xxv}, show that this is an embedded problem in civic institutions as well as public protests.
- In 2019 the Australian Communications and Media Authority (ACMA) ruled that radio broadcaster Alan Jones breached decency standards when he used the “n-word” on air, a phrase widely recognised as racist and unacceptable in public discourse ([access here](#))^{xxvi}. ACMA found the usage breached the Commercial Radio Code of Practice, and Jones and the station agreed to remove the phrase from future broadcasts. This illustrates that industry institutions (media regulators) sometimes only act after formal complaints and public outcry, rather than proactively preventing racist language.
- Between 2006 to 2007, high profile political rhetoric has repeatedly racialised African migrants. Senator Pauline Hanson publicly warned that “we’re bringing in people from South Africa at the moment... there’s a huge amount coming into Australia, who have diseases; they’ve got AIDS,” ([access here](#))^{xxvii} comments that were widely reported and drew public criticism for stigmatising African communities and conflating migration with disease.



Such statements by prominent elected officials contribute to the normalisation of hostile narratives that research links to stigma, discrimination and community harm.

These institutional failures amplify community fear and damage cohesion. Mechanisms linking institutional tolerance of slurs and slogans to public hatred, intimidation and violence include legitimisation, diffusion and selective enforcement. When political leaders or institutions racially spotlight a community without evidence or redress, they legitimise negative public stereotyping and embolden individuals to act on prejudice (refer to the aforementioned African gangs moral panic example). These high-profile statements are amplified across social media with courts and policy bodies noting that offensive political speech can “empower” others to publish similar abuse online. Furthermore, institutional practices such as police training slides, border detentions or profiling in schools can normalise unequal treatment which produces a feedback loop where discrimination becomes perceived as legitimate bureaucratic practice.

Systematic reviews and primary studies link exposure to racism and hate speech with anxiety, depression and PTSD symptomology. Frequent exposure to online hate speech is associated with greater PTSD severity.^{viii} Where slurs come from authority figures such as police, teachers or politicians, harms are especially severe and erode procedural trust.^{vii} Additionally, slurs existing within schools, workplaces or that are used by or excused by authority figures, the intimidation escalates, the harm is interpersonal and institutional and the presence or toleration of slurs in institutional settings amplifies the intimidation effect and deepens community fear. These are public-health as well as public-order problems.



b) Preventing the use of phrases that are so inherently hateful by their nature that they lead to incitement of hatred and threaten community safety, c) The need to protect communities from hatred, intimidation and violence and e) The Australian Constitution and the implied freedom of political communication;

Enumerating harmful slurs and epithets used against Black and African people

ZIMAA NSW recognises the tension of *documenting* harmful words is necessary for policy, education and redress, but *replicating* slurs without context risks normalising them or causing harm to readers. Below we therefore:

- Categorise epithets while noting it there are well-documented racial slurs and slogans historically and currently used to dehumanise Black people; and
- Withhold specific slurs and slogans that retraumatise victims, however, we provide a brief explanation of the usage and harm rather than listing gratuitous slurs. This categorisation of examples, not an exhaustive list, is provided to assist the Committee in understanding scope and history. Examples are drawn from peer-reviewed research and anti-racism education resources.

Representative categories of harmful Anti-Black slogan, slurs and epithets:

Category	Examples	Brief explanation of harm
Racial epithet	Various terms withheld because of potential to traumatise	Violent dehumanisation tactic leading to moral disengagement
Animalising epithet		Dehumanising approach of comparing Black people to animals justifying violence and genocides.
Infantilising or caricature terms		Caricatures sexualising and infantilising Black children



	used to justify maltreatment
Stereotype-based slurs and phrases	Terms implying laziness, criminality, sexual deviance or dirtiness of Black people used to justify exclusion and violence

Principles for prevention and lawful restriction:

- (a) Slurs and slogans directed at a community are vehicles of social control intended to intimidate, exclude or terrorise a group. Addressing them requires recognition of group-level harm, vicarious trauma and institutional responses. Given the use of slurs in contested contexts such as intracommunal speech, academic quoting in critical contexts, criminal law should target conduct that satisfies demonstrates intent to intimidate, the creation of credible threats, likelihood or recklessness to encourage violence, and a realistic likelihood or imminence of that violence, not words or phrases in isolation. Use existing “advocating terrorism” frameworks as a model for analytical elements such as intent/recklessness, causation and likelihood. Additionally, evidence supports coupling criminal thresholds with civil remedies, school policies, and funded victim support. ^{vii, viii}
- (b) Dehumanising or exclusionary official rhetoric whether by politicians or public agencies contributes to moral disengagement whereby ordinary people justify harming others and to the social legitimisation of hostility. Security assessments caution that unchecked white-supremacist organising and enabling narratives increase the risk of targeted violence. Conversely, disproportionate securitisation that primarily targets minority communities risks reproducing structural racism. Robustly disrupting violent white-supremacist organising and rhetoric and reform everyday institutional practices that normalise anti-Blackness. ^{iv}
- (c) Given the documented mental-health impacts such as PTSD, anxiety and depression, governments should treat targeted slurs and violent slogans as *community-level harms* that justify immediate intersectional and protective responses such as injunctions, civil



remedies and school sanctions alongside criminal action where intent to intimidate or incite violence is established.

- (d) Governments should fund culturally safe and trauma informed mental-health services and rapid community outreach programs to address vicarious and direct trauma. ^{viii,xviii} Empirical evidence supports the clinical need for such supports after repeated exposure to slurs or online hate. ^{vii, viii}
- (e) Require schools, universities and institutions to adopt clear anti-racism policies, reporting pathways, and independent review of incidents involving slurs including collecting disaggregated data on incidents and outcomes.
- (f) Prosecutions and police action must consider audience, location, prior conduct, organiser intent and accompanying behaviour such as gestures or prior threats.
- (g) Any law restricting slogans or public protest language must be tested against the implied freedom. The Lange/ McCloy line requires that laws which burden political communication be reasonably appropriate and adapted in suitability, necessity and, proportionality to a legitimate end. Phrase-based or viewpoint-targeted bans are likely to fail this test or produce significant litigation risk. Therefore, drafting must therefore be carefully calibrated to the conduct-based model described above. Additionally, overbroad or vague prohibitions will risk prohibiting legitimate political speech. ^{xix,xx}

Fairness in remedies and universal application of targeted supports

Remedies must be applied in a way that is rights-compatible and non-discriminatory by way of availability to any aggrieved group, and responsive to differential impacts such as targeted supports where harms are concentrated. Anti-vilification laws, hate-crime statutes, civil remedies should be available to all groups to prevent perceptions of unfair privileging. International human-rights norms require equal protection against racial discrimination ([access here](#)). ^{xxi}

Targeted and culturally safe interventions are necessary where historical and structural disadvantages mean some groups including First Nations peoples, Black and African Australians suffer higher exposure and deeper harms. The Australian Human Rights Commission's National Anti-Racism Framework explicitly recommends whole-of-society remedies combined with targeted measures to address structural disadvantage. ^{xxiii} This is not "prioritising" one group, it is equitable policy design that recognises differing starting points and harms.



Laws should be applied neutrally, while funding and program design should reflect differential need such as trauma services targeting communities with high exposure to slurs and hate incidents and school interventions in schools with documented racism. Independent oversight and transparent data collection disaggregated by race, ethnicity and religiosity are essential to ensure fairness and to detect any differential application of remedies.

d) Australian and international examples of best practice to combat the use of such slogans, including measures and approaches taken in the United Kingdom and f) existing offences and other measures in New South Wales and Commonwealth legislation, including offences and measures that have been announced

The United Kingdom (UK) combines criminal terrorism or terrorist-glorification offences, public-order policing and the Prevent program which targets pre-crime prevention and deradicalisation. The UK approach shows the value of combining criminal investigation with community interventions such as education and counselling with intent to disrupt violent organising while attempting to divert vulnerable people away from radicalisation. The UK experience provides important warnings for Australia. For example, the Prevent program generates large number of referrals that do not proceed to concern. The program or prevention measures have been criticised for prohibiting dissent and disproportionately affecting Muslim and minority communities ([access the Amnesty UK 2023 report here](#)).^{xxii} Any Australian adoption must learn from both the integrated response and the critiques.

Within the Australian context, the Commonwealth terrorism laws contain useful elements such as intent, or recklessness and states have anti-vilification measures. The recent NSW proposals to ban symbols or slogans reflect a shift toward symbolic prohibition which is a risky approach unless narrowly drafted and rights-compatible. While politically understandable as a response to public alarm, symbolic bans pose distinct legal and social risks including risk of overbreadth and constitutional challenge, and racialized enforcement. Phrase-by-phrase or list-based bans are vulnerable to challenge under the High Court's implied freedom of political communication unless they are tightly confined to conduct that meets the familiar incitement threshold;



intent/recklessness and likelihood of imminent violence. Vague or content-selective prohibitions risk chilling lawful protest and being struck down. Additionally, history and research show that broadly worded public-order or “symbol” bans are often enforced selectively. Without data-collection and independent oversight, marginalised communities including Black and African Australians, are at heightened risk of disproportionate policing. NSW’s announcement therefore requires accompanying prosecutorial guidelines, mandatory impact assessments, and reporting requirements to prevent discriminatory application. If NSW or other jurisdictions pursue symbol/slogan bans, drafting must i) narrow offences to conduct that intentionally and likely incites violence, ii) include explicit defences for contextual political, historical or academic use, and iii) mandate independent oversight, transparent enforcement data and sunset clauses

United Nations and the Australian Human Rights Commission, The National Anti-Racism Framework 2024 ([access here](#))^{xxiii} recommend targeted and proportionate measures that combine removal of incitement with prevention, digital platform cooperation, counter-speech and support for affected communities rather than blanket bans. The Australian National Anti-Racism Framework and international reviews emphasise prevention, education and community empowerment alongside enforcement.

Conclusion

For Zimbabwean, African and broader Black communities in NSW, the harm caused by racial slurs, slogans and epithets are lived, cumulative, measurable and intersectional in their negative impact on schooling, employment, health, civic belonging and participation. ZIMAA NSW urges the Committee to combine and adopt an evidence-based, rights-compatible approach that protects communities from intimidation and violence, but do so through narrowly tailored laws with independent oversight, and investment in culturally safe prevention and trauma responses. Any legislative change must be carefully drafted, rights-compatible, and accompanied by independent oversight and a clear commitment to victim support and prevention.



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