

**Submission
No 90**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: HAZAK

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Submission to the Legislative Assembly Committee on Law and Safety

Inquiry into the Prohibition of Slogans and Symbols that Incite Hatred

Date: 12 January 2026

To: The Chair and Members of the Legislative Assembly Committee on Law and Safety,
Parliament of New South Wales

Abstract

About HAZAK: HAZAK is a grassroots organization of Australian Jews dedicated to affirming Jewish peoplehood and our indigenous connection to the Land of Israel. We are committed to combating anti-Jewish racism by challenging modern antisemitic narratives and advocating for a robust understanding of Jewish identity. Hazak works to ensure that Jewish Australians can express their full identity without fear of exclusion or vilification.

Our Submission: This submission presents a jurisprudential and sociological examination of the slogans "Globalise the Intifada," "All Zionists are Terrorists," and "Zionists Not Welcome." It argues that these phrases function not as protected political communication, but as mechanisms of "**Constructive Eviction**"—creating a hostile public environment that effectively bars Jewish Australians from equal access to civic life. Drawing upon the scholarship of **Adam Louis-Klein**, **Gil Troy**, and **Izabella Tabarovsky**, as well as the recent Federal Court ruling in *Wertheim v Haddad* (2025), this submission demonstrates that the current legislative framework has failed to protect the Jewish community of New South Wales. This failure is evidenced by the exponential surge in anti-Jewish racism since October 7, 2023, and the tragedy of the 2025 Bondi Beach terrorist attack, where court documents explicitly link the perpetrators' motivations to "antizionist" ideology. The submission concludes that bad faith actors are successfully exploiting the ambiguity of current laws to incite hatred, necessitating an urgent legislative response to close these loopholes through a **rebuttable presumption** regarding the term "Zionist," the adoption of a "**recklessness**" standard for incitement, and the establishment of **Safe Access Zones**.



1. Introduction: The Kinetic Impact of Discursive Hate

The Inquiry into the prohibition of hate slogans must be contextualized within the unprecedented "escalating threat context" facing the Australian Jewish community. The terrorist attack at Bondi Beach on 14 December 2025, which claimed 15 lives during a Hanukkah celebration, was not an isolated aberration. Rather, it was the kinetic manifestation of a discursive environment saturated with the rhetoric of elimination.

1.1 The Empirical Reality of the Surge (ECAJ Data)

Since October 7, 2023, the Jewish community has been subjected to a tsunami of hate that existing laws have failed to stem. Data published by the Executive Council of Australian Jewry (ECAJ) confirms an exponential rise in anti-Jewish racism. In the twelve months ending 30 September 2025, **1,654** anti-Jewish incidents were logged—a figure that remains approximately **five times higher** than the pre-2023 annual average of 342. Crucially, while the overall volume saw a slight decrease from the record 2,062 incidents in 2024, the severity of incidents escalated, with a marked increase in **arson and vandalism** attacks.¹ This data demonstrates that the normalization of slogans like "Globalise the Intifada" correlates directly with a shift from performative hatred to physical destruction.

The tangible cost of this rhetoric is now visible in the streets of Sydney. The recent closure of **Avner's Bakery** in Surry Hills—a beloved cultural institution forced to shut its doors due to unrelenting threats and safety fears—serves as a grim indictment of the status quo. When Jewish businesses cannot operate without fear of arson, and when Jewish families cannot gather for holidays without armed guards, the social contract has broken.

Academic analysis suggests that we are witnessing a shift from traditional forms of prejudice to what anthropologist **Adam Louis-Klein** terms "antizionism" (unhyphenated)—a "totalizing system of hate" that seeks not only to delegitimize the very concept of Jewish peoplehood but also to create a society where Jewish people are persecuted and excluded through the racializing of their Jewishness "into an image of absolute political and moral depravity."² This submission argues that slogans calling to "Globalise the Intifada" serve as the liturgy of this movement, converting political grievances into licenses for violence and exclusionary practices against Jewish citizens in New South Wales.

2. The Ontology of Zionism: Academic and Legal Perspectives

To adjudicate the harm of slogans targeting "Zionists," the Committee must first understand the ontological status of Zionism within the Jewish lived experience, moving beyond the caricatures presented by bad faith actors.



2.1 Zionism as Cultural and Spiritual Renewal

Contra the characterization of Zionism as a colonial enterprise, historian **Gil Troy**, in his seminal work *The Zionist Ideas*, defines Zionism as the movement for the "cultural and spiritual renewal" of the Jewish people in the aftermath of Emancipation. It is the modern political expression of an indigenous people's connection to their ancestral land.³ To demand that a Jew disavow Zionism is to demand they sever ties with their own history and "indigenous identity."

2.2 The "Zionist" Definition Trap and the Suffragette Analogy

Opponents of a ban frequently argue that "Zionism is a political ideology," and therefore attacks on "Zionists" constitute protected political speech. This argument relies on a category error that endangers lives. To adjudicate this harm, the Committee must look beyond the speaker's claimed intent to the impact on the victim, applying the "Reasonable Victim" standard found in Australian discrimination law.

- **The Suffragette Analogy:** To argue that attacking "Zionists" is distinct from attacking "Jews" is legally analogous to arguing that banning "Suffragettes" was distinct from banning women.
- **The Price of Admission:** In the early 20th century, a sign reading "Women Welcome, Suffragettes Not" would have been understood as a mechanism to force women to renounce their own agency and rights as the price of entry into society. Similarly, "Zionists Not Welcome" acts as a loyalty test. It demands that Jewish Australians strip themselves of their belief in their own right to self-determination and cultural/spiritual revival—the modern vessel of their identity for 90% of the community—in order to access public services or commerce.⁴
- **Constructive Eviction:** Just as anti-suffrage rules were used to silence and exclude women from the public square, the prohibition of "Zionists" creates a "hostile environment" that constitutes a constructive eviction of the Jewish community. It frames the movement for the group's safety as a provocation, thereby punishing the group for seeking its own survival.
- **Functional Proxy:** As noted in the recent *Wertheim v Haddad* (2025) decision, Justice Stewart found that using "Zionist" to attribute collective guilt creates a **"sharp legal boundary"** that collapses into a "legal fiction". By targeting the political vehicle of the minority (Zionism) rather than the minority itself (Jews), perpetrators maintain the venom of racial vilification while claiming the immunity of political speech.⁵

2.3 Rebuttable Presumption

To address the "Zionist loophole" without curbing legitimate political speech, NSW law should



not define "Zionist" as "Jew" in all cases, but should establish a **rebuttable presumption**. Where the term "Zionist" is used in a context of threatening, abusive, or insulting behaviour, it should be presumed to refer to the Jewish people unless the defendant can prove a specific, non-racial political target. This shifts the burden of proof to the abuser while constitutionally protecting genuine political discourse.

3. "Globalise the Intifada": Constructive Eviction and Shared Space

While sociologists define the danger of these slogans as "stochastic terrorism," for the purposes of this Committee's legislative review, it is more accurate to frame this through the lens of **Workplace Health and Safety (WHS)** and **Shared Public Space**.

3.1 The "Hostile Environment" and Constructive Eviction

Just as a workplace cannot tolerate "low-level" sexual harassment that creates a "hostile environment" (even without physical assault), the public square cannot tolerate eliminationist rhetoric that creates a hostile civic environment for Jews.

- **Constructive Eviction:** When a slogan like "Globalise the Intifada" becomes ubiquitous, it signals to Jewish Australians that the public sphere is unsafe for them. This operates as a "constructive eviction"—Jews effectively self-exclude from the CBD, universities, and arts festivals to avoid harassment. This violates the spirit of the *Anti-Discrimination Act 1977* (NSW), which guarantees equal access to goods and services.

3.2 The Soviet Roots of the Slogan

Scholar **Izabella Tabarovsky** has extensively documented how modern antizionist slogans are not organic expressions of solidarity but are rooted in **Soviet "Zionology"**—a Cold War propaganda campaign designed to demonize Israel and the West.⁶ In her article "Demonization Blueprints," Tabarovsky illustrates how the Soviet slogan "Zionists to Zion" (*Syjonisci do Syjonu*) was weaponized during the 1968 Polish political crisis.

This state-sponsored campaign resulted in the expulsion of approximately **13,000 Jews**—representing nearly half of Poland's remaining Jewish population.⁷ Crucially, these victims were the **last remnants of the community that had survived the Holocaust**, only to be purged by a communist regime using "antizionism" as a thinly veiled mechanism for ethnic cleansing. The modern slogan "Zionists Not Welcome Here" is the direct semantic descendant of this history, serving the same function: the purification of the body politic by expelling the Jewish element.



4. The Bondi Nexus: Antizionist Motivation in Court Documents

The tragedy of the 2025 Bondi Beach terrorist attack provides the most chilling evidence of where this rhetoric leads. While early reports speculated on motives, **court documents** have now confirmed the link between the attackers' ideology and antizionist rhetoric.

4.1 Police Statement of Facts

According to the NSW Police *Statement of Facts* tendered to the Local Court, a video recorded by the attackers, Sajid and Naveed Akram, in October 2025 shows them sitting in front of an Islamic State flag. In this video, they recite passages and make specific statements "condemning the actions of 'Zionists'" and summarizing their justification for the attack.⁸

- **The Motive:** As reported by the *ABC* and *Guardian Australia*, the documents reveal the attackers were motivated by a synthesis of ISIS ideology and specific "antizionist" grievances.⁹ They did not target an Israeli embassy or a political consulate; they targeted a Hanukkah celebration at Bondi Beach.
- **The Connection:** This confirms that for the perpetrators, the "Zionist" enemy was not a state thousands of kilometers away, but Jewish families on a Sydney beach. The slogan "Globalise the Intifada" provided the **moral permission structure** for this targeting, collapsing the distinction between the Israeli military and Jewish civilians in Australia.

4.3 The Evolution of Hate: Why Static Laws Fail

The urgency of this inquiry is underscored by the fact that hate speech evolves faster than legislation. While this submission prioritizes the banning of "Globalise the Intifada," intelligence indicates that bad faith actors are already pivoting to new, coded slogans to evade detection.

The Committee must recognize that the following phrases are currently entering the lexicon of incitement in NSW, necessitating the Annual Hate Speech Audit proposed in Recommendation 6:

- **"Glory to the Martyrs":** Often defended as religious honorifics, this phrase is frequently deployed in the immediate aftermath of terror attacks to glorify perpetrators, serving as a psychological reward mechanism for violence.¹⁰
- **"Khaybar Khaybar Ya Yahud":** A historic battle cry referencing the massacre and subjugation of Jewish tribes in 628 CE. It acts as a direct, militaristic threat of ethnic cleansing that flies under the radar of English-speaking law enforcement.¹¹
- **The Inverted Red Triangle (▽):** Appropriated from Hamas combat footage to mark



targets for destruction, this symbol is now appearing on Jewish businesses in Melbourne and Sydney. It functions not as speech, but as a "target acquisition" marker for vandalism and arson.¹²

- **"Zio":** A dehumanizing slur used to bypass social media filters and hate speech algorithms, stripping the victim of their identity while maintaining the venom of racial vilification.

Without the dynamic regulatory mechanism proposed in Recommendation 6, any ban passed by this Parliament will be obsolete within 18 months.

5. Constitutional Analysis: Ambiguity is the Weapon

The primary counter-argument to banning slogans relies on the **Implied Freedom of Political Communication**. However, a specific ban is constitutionally necessary precisely because current laws fail the *Lange* test's requirement for "effective" protection.

5.1 Ambiguity is the Weapon

Current laws (like s 93Z of the *Crimes Act*) generally require proof of specific intent. Slogans like "Globalise the Intifada" are weaponized *precisely because* of their ambiguity. They offer plausible deniability to the speaker ("I meant a peaceful uprising") while signaling violence to a radicalized minority. Because standard incitement laws cannot catch this "dog-whistle" mechanic without lengthy, often failing, litigation regarding the speaker's internal state of mind, a specific legislative ban is the only "reasonably appropriate" means to achieve the legitimate end of public safety. The ambiguity *is* the weapon; therefore, the legislature must remove the ambiguity by explicitly proscribing the phrase.

5.2 Safe Harbor Clause

Crucially, this prohibition does not impede robust political criticism. Slogans such as "End the Occupation," "Ceasefire Now," or criticism of specific Israeli government policies remain fully protected political communication. The proposed ban is strictly limited to eliminationist rhetoric ("Globalise the Intifada", "Zionists Not Welcome") that targets the existence of the people, rather than the policy of the state. This distinction ensures the legislation remains proportional and constitutionally valid under the *Lange* test.

6. Recommendations

Based on the evidence presented, this submission recommends that the Committee:

1. **Legislative Proscription:** Explicitly schedule the slogans "Globalise the Intifada," "All Zionists are Terrorists," and "Zionists Not Welcome" as prohibited hate speech under the



Crimes Amendment (Inciting Racial Hatred) Act 2025.

2. **Rebuttable Presumption for "Zionist":** Amend Section 93Z of the *Crimes Act 1900* to include a provision that where the term "Zionist" is used in a context of threatening, abusive, or insulting behaviour, it is **presumed to refer to the Jewish people** unless the defendant can prove a specific, non-racial political target.
3. **Adopt the "Recklessness" Standard:** Amend the *Crimes Act* to mirror Section 1(2)(b) of the UK *Terrorism Act 2006*, lowering the mental element for incitement from "intent" to "recklessness" when glorifying terrorism or violence.¹³
4. **Law Enforcement Guidelines (SOPs):** Recommend that the NSW Police Commissioner issue Standard Operating Procedures (SOPs) declaring that the chanting of "Globalise the Intifada" is a *prima facie* breach of the peace. Current police hesitancy stems from legal ambiguity; a clear SOP, backed by the 'Recklessness' standard, provides the operational confidence required for enforcement.
5. **Codify "Constructive Eviction":** Acknowledge within the legislation that speech creating a "hostile environment" which prevents a protected group from accessing public spaces constitutes a harm sufficient to warrant restriction, analogous to workplace harassment laws.
6. **Annual Hate Speech Audit & Regulatory Alignment:**
 - **The Issue:** Hate speech is agile; legislation is static. Bad faith actors continuously evolve their language (e.g., from "Jew" to "Zionist") to evade existing laws. The current gap between the emergence of a new hate slogan and legislative action is measured in years—a delay that costs lives.
 - **The Solution:** Establish a statutory Annual Hate Speech Audit, convened by the Minister for Police and Counter-terrorism in consultation with the NSW Anti-Discrimination Board and representatives from vulnerable communities (including the Jewish, LGBTQ+, and First Nations communities).
 - **The Mechanism:**
 - **Data Collection:** Communities submit an annual dossier of emerging slogans, symbols, and harassment tactics that have created safety fears in the preceding 12 months.
 - **Threat Assessment:** NSW Police provide a correlative report on whether these slogans track with spikes in physical incidents (using the "Statistical Incitement" model).
 - **Regulatory Update:** The Minister is empowered to update Law Enforcement Standard Operating Procedures (SOPs) or schedule new prohibited phrases via regulation, rather than requiring a full Act of Parliament for every new slogan.
7. **Enforcement Fallback: Safe Access Zones:**
 - If the Parliament is unwilling to enact a state-wide ban, it must legislatively create **Safe Access Zones (100m buffers)** around Jewish schools, synagogues,



community centres and Jewish community events.

- **Justification:** Even if one argues "Intifada" is free speech in a park, it is undeniably harassment when screamed at children entering a Jewish school. This mirrors the protections already afforded to reproductive health clinics under the *Public Health Amendment (Safe Access to Reproductive Health Clinics) Act 2018*.¹⁴

Conclusion

The Jewish community of NSW is small, scared, and currently unprotected. The exponential rise in anti-Jewish racism since October 7, the closure of Avner's Bakery, and the massacre at Bondi Beach are not just tragedies; they are the result of a legislative failure to adapt to the modern mechanics of hate. By banning these slogans, adopting a "recklessness" standard, and implementing an agile regulatory framework, the NSW Parliament will not be curtailing freedom; it will be restoring the basic right of a vulnerable minority to exist in safety—a right that has been eroded by bad faith actors hiding behind the ambiguity of the law.



Appendix A: Visual Evidence of Constructive Eviction

Figure 1: Exclusionary Signage on Commercial Premises

Description: A sign in a storefront in Katoomba, NSW with antisemitic imagery demolzing Jewish people noting the following "THE ZIONISTS OWN'S YOUR GOVERNMENT, INSTALL ALL POLITICIANS, CONTROL THE JUSTICE SYSTEM, PRINT ALL FIAT CURRENCY, OWN PHARMACY AND MEDICAL. THE MILITARY AND POLICE ARE THEIR LAPDOGS. YOU ARE SHEEP OWNED BY THE ELITES TO BE DISPOSED OF WHEN YOUR NO LONGER USEFUL"

Analysis: This signage is not a political protest; it is a segregationist notice comparable to "No Irish" or "Whites Only" signs. It effectively informs over 90% of the Jewish community that they are not welcome to enter the premises, forcing them to choose between their identity and access to goods and services.





Figure 2: "Intifada Revolution" Sign at Public Protest

Description: A sign displayed at a protest in Melbourne featuring the slogan "Intifada Revolution" alongside the Hamas "red triangle" image.

Analysis: In the wake of the Bondi terrorist attack, this visual display functions as a direct threat to public safety. It transforms a public thoroughfare into a zone of intimidation, signalling that the violence of the Second Intifada and the violence of October 7th is being invited onto Australian streets.





Figure 3: "Zionism = Nazism" and similar Jewish tropes

Description: An image from a rally in Sydney of a sign using the Star of David and the Nazi Swastika reading "Shame Shame Israel! Zionism -- Nazism. Nazism = Zionism."

Analysis: This visual rhetoric utilizes "Holocaust Inversion" to strip the Jewish community of moral protection. By equating the victims of the Holocaust with their perpetrators, it legitimized violence against them, contributing to the moral permission structure that underpins attacks like the one at Bondi Beach.





Figure 4: "Zionist Venom" and Zoomorphic Tropes

Description: An image from a rally (with Sydney Town Hall visible in the background) featuring a placard depicting a large spider with the Flag of Israel (Star of David) on its abdomen. The spider is shown straddling a green map of Australia, dripping red liquid (blood or venom) onto the country. The text on the sign reads: "WARNING" and "Beware Zionist venom."

Analysis: This visual rhetoric utilizes classic antisemitic zoomorphism to depict the Jewish state not as a political entity, but as a predatory, non-human threat. This imagery strikingly parallels the propaganda used during the 1968 Polish political crisis (the "anti-Zionist" purge). During that campaign, the communist government utilized "anti-Zionism" as a thin veneer for antisemitism, branding Jewish citizens as a toxic "fifth column" or "alien element" dangerous to the national body. By framing Zionism as "venom" injected into Australia, this placard recycles those exact historical tropes: stripping the target of humanity and presenting them as a pestilent danger that must be purged for the safety of the host nation.





Figure 5: Exclusionary Graffiti in Abbotsford

Description: An image of white, hand-painted graffiti on a rough, dark exterior wall in Abbotsford, Melbourne. The text is written in all capital letters and reads: "ZIONISTS NOT WELCOME HERE."

Analysis: This graffiti creates a physical zone of exclusion, utilizing the term "Zionist" as a thinly veiled code for "Jew." Since the vast majority of Jewish people identify with Zionism (the right to Jewish self-determination), this slogan effectively functions as a "Jews Not Welcome" sign. Historically, this mirrors the Judenrein ("cleansed of Jews") policies of Nazi Germany and the exclusionary signage used in the Jim Crow era, but updated with political terminology to evade hate speech classifications. By demarcating public spaces where Jews are "not welcome," it moves beyond political speech into direct intimidation and social segregation, aiming to make Jewish residents feel unsafe in their own neighbourhoods.





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