

**Submission  
No 94**

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

**Organisation:** Diversity Arts Australia

**Date Received:** 12 January 2026



Committee Secretary  
NSW Legislative Assembly Committee on Law and Safety  
Parliament House  
Sydney NSW 2000

12 January 2026

Dear Committee Secretary,

**Submission to the NSW Legislative Assembly Committee on Law and Safety  
Inquiry into measures to prohibit slogans that incite hatred and threaten community safety**

Diversity Arts Australia (DARTS) is making this submission to the NSW Legislative Assembly Committee on Law and Safety's inquiry into measures to prohibit slogans that incite hatred and threaten community safety.

Diversity Arts Australia is the national peak organisation for ethnocultural and migrant diversity and cultural equity in the arts, screen, media, and creative industries. We work to advance racial and cultural equity across Australia's creative sectors and believe that creative and political expression are fundamental human rights that contribute to democratic participation, community safety, and social cohesion.

Our submission is informed by decades of work with culturally and racially marginalised (CaRM), migrant, and refugee artists, creative workers, and organisations, as well as our ongoing policy, research, advocacy, and capacity-building work nationally. We also draw on our experience advising governments, cultural institutions, and policymakers on issues relating to racial equity, freedom of expression, community safety, and cultural rights.

We welcome the opportunity to provide further information or engage with the Committee in relation to this submission.

Yours sincerely,

**Lena Nahlous**

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# **Submission to the NSW Legislative Assembly Committee on Law and Safety**

## **Inquiry into measures to prohibit slogans that incite hatred and threaten community safety**

**Submitted by:** Diversity Arts Australia

**Date:** 12 January 2026

**Contact:** Lena Nahlous, CEO, [info@diversityarts.org.au](mailto:info@diversityarts.org.au)

## **1. Introduction**

### **(i) About Diversity Arts Australia**

Diversity Arts Australia (DARTS) welcomes the opportunity to make a submission to the NSW Legislative Assembly Committee on Law and Safety's inquiry.

As the national peak organisation for ethnocultural and migrant diversity and cultural equity in the arts, screen, media, and creative industries, Diversity Arts is led by people with lived experience of racism and structural exclusion, and works nationally across policy, research, capacity building, leadership development, and sector reform. Our work focuses on addressing systemic barriers affecting culturally and linguistically diverse, migrant, refugee, and racially marginalised communities, including people who experience intersectional forms of exclusion.

Diversity Arts believes creative expression is a fundamental human right and approaches its work through an intersectional framework encompassing race, gender diversity, class, disability, sexual orientation, and age, so that ethnocultural diversity is not viewed in isolation. We are guided by human rights principles and committed to working in partnership with First Nations communities, people with Disability, and other marginalised groups.

We regularly provide expert advice to governments, cultural institutions, and policymakers on racial equity, freedom of expression, community safety, cultural rights, and social cohesion, and draw on decades of work across the creative sectors to understand how legislative changes impact community participation.

This submission is informed by our work with thousands of culturally and linguistically diverse (CaLD<sup>1</sup>), culturally and racially marginalised (CaRM) migrant and refugee artists, creative workers and organisations via our programs, research, advocacy, and events, including:

- **Our *Lost Work* research<sup>2</sup>**, which demonstrates the disproportionate precarity and income loss experienced by First Nations and CaLD creatives, including prior to and during COVID-19.
- **The Creative Cultural Diversity Network**, comprising more than 80 arts workers and organisations nationally, which enables shared analysis and coordinated advocacy on racial and cultural inequity.
- **Partnerships with national peak bodies, grassroots organisations, and ethno-specific communities** across the arts, screen, and creative sectors, including through the *Fair Play: Equity, Diversity and Inclusion* program delivered with First Nations and disability partners, and philanthropic and government bodies.
- **Sector-wide leadership research**, including *Shifting the Balance*, which documents the systemic underrepresentation of culturally diverse creatives in leadership and the resulting impacts on employment and career progression.
- ***Anti-Racism and the Arts*<sup>3</sup> and *Creative Equity Toolkit*<sup>4</sup> resources**, informed by research and sustained engagement with communities and organisations, supporting effective and accountable equity and anti-racism practice.

## (ii) Our response

This submission responds to the NSW Legislative Assembly Committee on Law and Safety's inquiry into the use of slogans directed at certain communities to intimidate those communities and instil fear of violence and is informed by our ongoing work with marginalised communities directly affected by hate speech, intimidation, and racialised public debate.

Drawing on our work advising cultural institutions, reviewing workplace codes of conduct, and supporting organisations navigating questions of freedom of expression, advocacy, and community

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<sup>1</sup> Our use of the term "culturally and linguistically diverse" is inclusive of people who are first, second or third generation migrants or members of ethnic communities. This includes Australia-born people who may self-identify or engage with the languages, customs or cultural specificities of ancestral heritages that differ from those of Anglo-Celtic Australians. This also includes people from refugee backgrounds and people seeking asylum on temporary visas. However, we recognise the limitations of this term, including that people tend not to identify as "culturally and linguistically diverse" (CaLD). A new term is "Culturally and Racially Marginalised" (recently used by bodies like Creative Australia; Diversity Council Australia) and "Culturally and Linguistically Marginalised" (coined by Professor Karen Soldatic, Western Sydney University, 2023). While not used in this submission, Diversity Arts has also started using the term "Culturally, Linguistically and Racially Marginalised" (CLaRM).

<sup>2</sup>

<https://diversityarts.org.au/app/uploads/Executive-Summary-Lost-Work-for-Creatives-of-Colour-Organisations-2.0-Report.pdf>

<sup>3</sup> <https://www.antiracism.art>

<sup>4</sup> <https://creativeequitytoolkit.org>

safety, Diversity Arts Australia observes a consistent risk where controls on speech or expression are framed broadly or without clear thresholds. Even where such measures are intended to promote safety or cohesion, vague or imprecise language can produce chilling effects, discourage lawful advocacy, and disproportionately impact communities whose identities, cultures, or political participation are already subject to heightened scrutiny.

Drawing on our expertise in anti-racism, cultural and racial equity, and inclusion in the arts and creative sectors, this submission:

- highlights the risks of overly broad or imprecise legislative approaches to protest speech and slogans;
- centres the lived experience of communities affected by hate speech, intimidation, and racialised public debate;
- emphasises the need to balance community safety with fundamental democratic freedoms, including freedom of expression and political participation;
- applies a human rights framework to assess proportionality, intent, context, and harm, with particular attention to impacts on marginalised communities and social justice movements; and,
- identifies how overly broad or poorly defined restrictions risk silencing lawful political expression, including arts practice, cultural participation, and human rights advocacy, while failing to meaningfully enhance community safety.

## 2. Response to the Terms of Reference

### **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**

#### **Criminalising Arabic words such as "Intifada"**

The expression "globalise the intifada" is a form of political speech that draws on a long history of protest language associated with resistance to oppression and calls for self-determination. The term *intifada* literally means an uprising or "shaking off" and has been used in multiple global contexts to describe popular movements for political rights and justice. This includes anti-austerity uprisings (e.g., Egypt's "Bread Intifada")<sup>5</sup> and nationwide protest movements (e.g., Lebanon's "tax intifada").<sup>6</sup>

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<sup>5</sup> <https://www.britannica.com/topic/intifada>

<sup>6</sup>

<https://www.aljazeera.com/economy/2019/10/18/lebanon-protests-thousands-demand-fall-of-the-regime-in-beirut>

By flattening the term intifada into a threat, Arab and Palestinian political expression is treated as uniquely illegitimate, uniquely threatening, or automatically hateful, interpreted without the nuance afforded to English protest language. The presumption that Arabic political language is inherently violent often relies on longstanding anti-Arab assumptions, and risks reproducing anti-Arab racism and Islamophobia. Such approaches also carry a broader risk of silencing particular communities and constraining their ability to participate in lawful political advocacy and public debate.

**Importance of recognising real fear and harm experienced by communities:** Communities experiencing targeted abuse or violence, such as antisemitic or Islamophobic harassment, have reported genuine psychological and physical distress, indicating that fear is both real and measurable. Policies must respond to these harms without conflating legitimate grievances with extremist incitement. The collapsing of protest slogans, such as “globalise the intifada” with extremist viewpoints can misdirect enforcement away from concrete threats and create conflict in the broader community. This has particular consequences for artists, writers, filmmakers and cultural workers, whose practice often engages with contested language, symbolism, and political critique in public-facing contexts.

International standards, such as The Rabat Plan of Action, devised by the UN Office of Human Rights, emphasise that where the state intervenes in speech, it should do so on an evidence-based assessment of intent and likelihood of imminent harm.<sup>7</sup> Informed by Article 20 International Covenant on Civil and Political Rights, the high threshold is to distinguish protected expression from advocacy of hatred that constitutes incitement.<sup>8</sup>

**Social cohesion is better served through trust-building:** Importantly, there is no evidence that slogans such as “globalise the intifada” or “from the river to the sea” are, in themselves, endorsements of terrorism or expressions of support for extremist violence. Nor is there evidence that prohibiting the use of specific political slogans would meaningfully reduce the risk of violent extremism. Conflating contested political expression with violent intent risks misdirecting enforcement away from genuine threats to safety, while disproportionately burdening lawful protest and advocacy. The protection of political expression is fundamental to the right to protest and, by extension, to democratic participation, including for communities whose rights have historically been advanced through protest movements, such as First Nations peoples, LGBTIQ+ communities, women’s, and workers’s rights, and racialised minorities.<sup>9,10</sup>

An overemphasis on punitive measures shifts societal resilience towards enforcement rather than trust-building efforts, which runs counter to cohesion efforts. At DARTS, we have found that community-led education and social inclusion initiatives have been more effective at reducing hate incidents and enhancing mutual understanding than criminalising speech alone.

There is a need for consistency in how community safety is understood and applied. Divergent definitions of “safety” across agencies risk inconsistent interventions. At times, this means over-policing marginalized

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<sup>7</sup> <https://www.ohchr.org/en/documents/tools-and-resources/one-pager-incitement-hatred-rabat-threshold-test>

<sup>8</sup> [https://www.ohchr.org/sites/default/files/Rabat\\_threshold\\_test.pdf](https://www.ohchr.org/sites/default/files/Rabat_threshold_test.pdf)

<sup>9</sup>

<https://humanrights.gov.au/resource-hub/by-resource-type/publications/rights-and-freedoms/guides/protest-rights-australia-explainer>

<sup>10</sup> <https://www.hrlc.org.au/app/uploads/2025/04/2407-Protest-in-Peril-Report.pdf>

communities or under-protecting vulnerable groups. A unified, evidence-driven framework should govern both protective and preventive measures.

Measures should strengthen trust and community safety, rather than inflame division or selectively target communities. The principle of precision and proportionality above, protects community relations by asking that policy consider carefully the impacts to marginalised and racialised groups.

## **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**

Defining “inherently hateful” speech presents significant challenges. Without clear thresholds tied to intent, context, and demonstrable harm, such definitions risk capturing lawful political expression, protest speech, artistic and cultural expression, or cultural advocacy. This is particularly concerning for communities whose political claims, including calls for racial justice, decolonisation, or minority rights, are frequently contested or mischaracterised. Measures that rely on slogans alone, rather than assessing how speech functions in context, are unlikely to achieve their stated aims and may instead deepen mistrust and division. International standards, including the UN Rabat Plan, emphasise context, intent, likelihood of incitement, and harm—in contrast to proposals that rely solely on slogans.

There is no evidence that contested political slogans, in and of themselves, lead to incitement of hatred or violence, particularly in the absence of intent, context, and demonstrable harm.

Example: A slogan expressing solidarity with an international human rights movement may be experienced as affirming and protective by one community, while being framed as threatening by another. Without contextual analysis, enforcement risks privileging dominant interpretations and silencing minority voices.

In the arts and creative sectors, meaning is routinely produced through symbolism, metaphor, satire, and provocation, and works are often designed to unsettle, question, or challenge dominant narratives. Treating slogans, symbols, or language as inherently hateful without contextual assessment risks misinterpreting artistic expression and inhibiting creative practice that engages with social justice, identity, and political critique.

The conflation of lawful political expression and hate speech, without assessing context risks, privileges dominant narrative enforcement over protective intent. Without robust thresholds, we risk undermining democratic pillars. Such definitions risk censoring political speech, advocacy, protest, or academic discourse, especially those challenging power structures.

Relatedly, expert analysis has also raised serious concerns about the reliability of predictive approaches to extremist violence. The Independent National Security Legislation Monitor has cautioned that there is no valid quantitative method for predicting an individual’s likelihood of engaging in extremist violence, given the diffuse and varied causes of such acts. Laws that rely on speculative risk assessment, rather than demonstrable conduct and intent, therefore risk being both ineffective and unjust.

Concerns about selective enforcement are heightened by the absence of comparable legislative attention to other protest slogans that could reasonably be interpreted as hostile or exclusionary, including phrases such as “go back to where you came from” or “we’re full.” The selective focus on particular slogans associated with Arab, Muslim, or Palestinian political expression risks reinforcing perceptions of racialised scrutiny and exceptionalism, rather than advancing a principled or consistent approach to community safety.

The most effective way to prevent incitement to hatred is through education and rigorous, context-based assessment of conduct and intent, rather than through prohibitions on words or phrases in the abstract.<sup>11</sup>

### **c) The need to protect communities from hatred, intimidation and violence**

Diversity Arts supports measures that protect communities from hatred, intimidation and threats of violence, particularly where speech contributes to real-world harm. It should also be acknowledged that the term “harm” is imprecise and should be defined carefully to avoid overreach.

For the purposes of this submission, we understand “harm” as conduct that undermines fundamental rights and dignity consistent with the Universal Declaration of Human Rights and related human rights protections. This includes protecting communities from speech that constitutes threats, intimidation, or incitement that creates a real and foreseeable risk of violence or serious harm.

Existing legislation, including the new Crimes Act amendments, have taken steps to address serious hate-based conduct. However, there remains ongoing concerns about the lack of clarity regarding burden of proof and evidentiary standards, raising questions about enforceability. The Australian Human Rights Commission has highlighted the implications of these reforms, particularly in relation to the freedom of expression.<sup>12</sup> The NSW Law Reform Commission also highlights the danger of imprecise terminology in drafting legislative measures; noting how terms like “hatred” are imprecise and ambiguous, making these terms “an inappropriate standard for the criminal law”.<sup>13</sup> Legislation that turns heavily on subjective meanings attributed to words and phrases used in political expression could have a chilling effect on lawful advocacy if applied without appropriate evidentiary standards of consistent enforcement.

Intensifying criminal enforcement risks reinforcing existing patterns of profiling and surveillance against already-marginalised groups, increasing cycles of trauma and disengagement. First Nations and communities perceived as African, Pasifika and Middle Eastern in NSW are disproportionately subject to stop-and-search practices, amplifying distrust and undermining legitimacy.<sup>14</sup> Any approach to “slogans” should be designed with robust safeguards against discriminatory application to avoid

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<sup>11</sup>

[https://www.un.org/en/genocideprevention/documents/publications-and-resources/Addressing\\_hate\\_speech\\_through\\_education\\_A\\_guide\\_for\\_policy\\_makers.pdf](https://www.un.org/en/genocideprevention/documents/publications-and-resources/Addressing_hate_speech_through_education_A_guide_for_policy_makers.pdf)

<sup>12</sup> see: <https://humanrights.gov.au/about-us/news/explainer-new-national-and-nsw-hate-crime-laws> and <https://sydneycriminaldefenceandtrafficlawyers.com.au/blog/new-australian-hate-crime-laws-explainer-february-2025-update-for-places-of-worship-hatred-in-nsw/>

<sup>13</sup>

[https://lawreform.nsw.gov.au/documents/Publications/Reports/Report\\_151\\_Serious\\_racial\\_and\\_religious\\_vilification.pdf](https://lawreform.nsw.gov.au/documents/Publications/Reports/Report_151_Serious_racial_and_religious_vilification.pdf)

<sup>14</sup> <https://www.abc.net.au/news/2025-02-14/first-nations-cald-disproportionately-searched-nsw-police/104642914>

the overreach of discretionary police powers in ways that exacerbate enforcement within racialised communities, unless there is clear evidence of necessity and effective non-legislative measures, including community engagement, education, and de-escalation.

Evidence supports the effectiveness of community-centered interventions, such as education, dialogue, and restorative justice, in reducing hostility and fostering durable social norms. Multicultural NSW's Community Resilience and Response Plan (COMPLAN),<sup>15</sup> for example, is explicitly framed around best-practice cohesion approaches: early engagement, counterspeech, mediation/dialogue, and culturally competent de-escalation and are examples of measures that address fear and tension while also protecting civic participation.<sup>16</sup> Such community measures emphasise relationship-building “with and between communities,” including new and emerging communities.

#### **d) Australian and international examples of best practice to combat the use of such slogans, including measures and approaches taken in the United Kingdom**

Any response to the use of slogans must be grounded in Australia's constitutional framework and international human rights obligations, including protections for freedom of expression, political communication, cultural participation, and advocacy for justice. These rights are not abstract. For many communities, particularly culturally and racially marginalised groups, public expression is integral to identity, cultural survival, and civic participation. Measures that restrict expression without clear definitions, safeguards, and accountability mechanisms risk undermining these rights in practice, even where the stated intent is community protection.

The United Nations Rabat Plan of Action was developed under the auspices of the Office of the High Commissioner for Human Rights (OHCHR) following a series of expert workshops (2011) and was published in 2012 to guide states in implementing international standards on hate speech and incitement while protecting freedom of expression.<sup>17</sup> The Rabat Plan is designed to support correct application of Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR)—a provision that requires states to prohibit the most serious category of hate speech, namely advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence—while ensuring that legitimate political communication is not wrongly criminalised.<sup>18</sup> Importantly, the Rabat Plan emphasises that assessments should not treat contested slogans as unlawful in the abstract, but instead apply a rigorous contextual threshold test, evaluating “context, speaker, intent, content or form, extent of the speech act and likelihood, including imminence” to determine whether expression reaches the level of unlawful incitement (OHCHR 2012, p. 5). The Rabat Plan provides an authoritative international human rights framework for the NSW inquiry: it supports a proportionate, evidence-based approach to regulating protest speech—one that focuses

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<sup>15</sup>

<https://multicultural.nsw.gov.au/wp-content/uploads/2022/11/NSW-Community-Resilience-and-Response-Plan-1.pdf>

<sup>16</sup>

<https://multicultural.nsw.gov.au/resources/tools-and-resources-for-multicultural-planning/tools-and-resources-for-multicultural-planning-engagement/>

<sup>17</sup> <https://www.ohchr.org/en/freedom-of-expression>

<sup>18</sup>

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

on incitement and real risk of harm rather than presuming a phrase is “inherently hateful,” thereby protecting community safety without producing an unjustified chilling effect on lawful protest and democratic participation (OHCHR 2012; United Nations 1966).<sup>19</sup>

Australia is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which imposes binding obligations to prevent racial discrimination in both law and practice, and to ensure equality before the law without distinction as to race, colour, descent, or national or ethnic origin. ICERD requires States to take effective measures to combat racist speech and violence, while also ensuring that responses do not themselves produce discriminatory outcomes or disproportionately restrict the rights of racialised communities. In the context of this inquiry, ICERD is directly engaged where proposed restrictions on slogans or protest expression risk being applied in ways that racialise particular languages, cultures, or political identities, including Arabic and Palestinian political expression. Measures that single out, stigmatise, or disproportionately impact racially marginalised communities undermine the Convention’s core commitments to equality, non-discrimination, and equal enjoyment of fundamental freedoms, including freedom of expression and participation in public life.

Further guidance is provided by the United Nations Human Rights Committee in General Comment No. 37 on the right of peaceful assembly under the ICCPR. The Committee affirms that the use of signs, banners, flags, and symbols is a legitimate form of expression that should not be restricted, even where such symbols are associated with painful or contested histories. Restrictions are only justified in exceptional circumstances, where expression is directly and predominantly linked to incitement to discrimination, hostility, or violence. This guidance is directly relevant to the present inquiry, as it cautions against treating political slogans as unlawful in the abstract, rather than assessing their function and impact in context.

Diversity Arts believes in careful evaluation and evidence of effectiveness by ensuring any future model is first piloted locally and independently assessed before scaling. Transplanting overseas frameworks without adapting to Australia’s federal legal structure, constitutional protections, and multicultural dynamics risks inconsistent outcomes.

### **e) The Australian Constitution and the implied freedom of political communication**

Any legislative response must carefully safeguard the implied freedom of political communication, particularly in relation to protest, advocacy, and minority political participation. This includes artistic and cultural expression in the arts, screen, and creative sectors, where political communication often occurs through metaphor, symbolism, satire, and narrative rather than direct or literal speech. Broad restrictions on slogans or chants risk creating chilling effects, discouraging participation in public debate out of fear that expression may be misinterpreted or penalised.

These risks are not evenly distributed. Marginalised communities, including First Nations peoples and culturally and racially marginalised communities and others, are more likely to experience heightened surveillance and enforcement during periods of political tension. Imprecise or overly

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<sup>19</sup> See: <https://www.ohchr.org/en/freedom-of-expression>

broad laws therefore amplify existing inequities in political participation and increase the likelihood of selective or discriminatory enforcement.

The implied freedom of political communication operates as a constitutional constraint on legislative power, requiring that any burden on political communication be justified and proportionate. The High Court's proportionality framework, often described as the Lange / McCloy / Brown test<sup>20</sup>, requires legislators to consider whether a proposed law is suitable, necessary, and adequate in its balance between purpose and impact. Measures that restrict expression without clear thresholds tied to intent, context, and demonstrable harm risk failing this test by imposing an unjustified burden on political communication.

These constitutional requirements align with Australia's international human rights obligations, including under the International Covenant on Civil and Political Rights (ICCPR), which protects freedom of expression (Article 19) and peaceful assembly (Article 21). Restrictions are permissible only where they are lawful, necessary, and proportionate to a legitimate aim, such as protecting the rights of others or public safety. They also align with international guidance, including the Rabat Plan of Action, which requires assessment of context, speaker, intent, and likelihood of harm, rather than treating words or slogans as unlawful in the abstract.

Freedom of expression in any medium, including the arts, media, public protest, broadcasting, and academia, must therefore be protected, including expression that may be unpopular, confronting, or challenging. This principle is recognised in the Racial Discrimination Act 1975 (Cth), including protections for artistic, academic, and public-interest expression. While NSW has a responsibility to protect communities from vilification and violence, including antisemitic and Islamophobic hatred and harassment, any reform must comply with constitutional constraints and human rights obligations.

Diversity Arts Australia supports stronger, clearer protections for freedom of expression and political participation in NSW, including through consideration of a statutory human rights framework. Such protections would provide clearer guidance to lawmakers and enforcement bodies, reduce the risk of overreach, and better ensure that measures intended to promote community safety do not undermine democratic participation or disproportionately harm marginalised communities.

#### **f) Existing offences and other measures in New South Wales and Commonwealth legislation, including offences and measures that have been announced**

Rather than introducing new or duplicative prohibitions, attention should be directed to the clarity, consistency, and resourcing of existing legal frameworks. Legislative overlap or poorly aligned provisions increase the risk of confusion, inconsistent application, and selective enforcement. Australian Lawyers for Human Rights<sup>21</sup> have criticised the passage of recent criminal law amendments without adequate parliamentary scrutiny, citing a lack of clarity and the risk of targeting vulnerable groups.

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<sup>20</sup> See

<https://www.crownlaw.qld.gov.au/resources/publications/brown-v-tasmania-2017-hca-43#:~:text=lf%20%E2%80%9Cyes%E2%80%9D%20to%20question%201,necessity%20and%20adequacy%20of%20balance.>

<sup>21</sup> See: <https://alhr.org.au/crimes-amendment-inciting-racial-hatred-bill-2025-nsw-briefing-note/>

Clear guidance on thresholds, intent, and evidentiary standards is essential to ensure that laws protect communities from harm without undermining lawful expression, including artistic and cultural expression, or disproportionately impacting particular groups. Streamlining legal frameworks would also reduce the ability to escalate similar conduct from civil to criminal proceedings at discretion, limiting opportunities for selective or arbitrary enforcement.

### **g) Other Related Matters**

We note that the timing of the call for public submissions during the summer holiday period has significantly constrained opportunities for community participation. This period coincides with widespread shutdowns across the arts, cultural, and not-for-profit sectors, limiting the capacity of organisations and individuals to engage meaningfully with the Inquiry. Effective consultation processes are critical to public confidence and legitimacy, particularly where proposed measures may have wide-ranging impacts on community expression and participation.

**Education as a preventive measure:** Education plays a central role in preventing harm, reducing polarisation, and strengthening community safety. Investment in civic education, media literacy, and culturally informed public discourse is more effective in addressing hate, misinformation, and social tension than punitive or speech-restrictive approaches alone. In the arts and creative sectors, education supports critical engagement, dialogue, and interpretation, enabling communities to navigate complex or contested ideas without resorting to censorship or criminalisation.

**Arts, expression, and censorship:** The arts, screen, and creative sectors are spaces where difficult ideas are explored through symbolism, metaphor, satire, and provocation. Artistic expression often engages with injustice, power, identity, and contested histories in ways that may unsettle or challenge audiences. Overly broad restrictions on language or symbolism risk misinterpreting artistic practice and suppressing legitimate cultural expression, undermining the role of the arts as a forum for dialogue, reflection, and social understanding.

**Discomfort is not the same as harm:** Discomfort or offence should not be conflated with danger or lack of safety. Throughout history, movements for justice and equality have frequently been experienced as confronting or destabilising by those invested in existing power structures. Anti-apartheid activism, civil rights movements, Indigenous sovereignty campaigns, women's rights, and LGBTQIA+ liberation movements were all, at various points, characterised as divisive, provocative, or threatening to social order. With historical perspective, these movements are recognised as essential to democratic progress and social justice. Treating discomfort as evidence of harm risks suppressing legitimate political expression and repeating historical patterns of silencing transformative social change.

**Media responsibility and amplification:** Sensationalised or decontextualised media coverage can contribute to moral panic and inadvertently amplify harm. Media outlets play a critical role in shaping public understanding and must balance freedom of the press with editorial responsibility, accuracy, and accountability, particularly when reporting on protest, political expression, or marginalised communities.

**Online platforms and misinformation:** Digital platforms and algorithm-driven content amplification can intensify polarisation and spread misinformation. Self-regulation by platforms lacks transparency and consistency. Stronger, transparent regulatory oversight and accountability mechanisms should be considered to address these risks without unduly restricting lawful expression.

**Support for affected communities:** During periods of heightened social or political tension, including in response to overseas conflicts, governments should increase access to psychosocial support, culturally competent legal assistance, local mediation, and rapid-response services. Supporting communities through dialogue, care, and lawful avenues for expression reduces the risk of escalation. Suppressing lawful protest or political expression risks intensifying tensions by denying people safe and democratic channels to be heard.

## Conclusion

"[The power of art] lies within the possibility of creating conversations and platforms, even if we as a society find those conversations to be difficult. But regardless, as a cohesive society, we need to have these conversations." Award-winning artist Khaled Sabsabi<sup>22</sup>

Diversity Arts Australia recognises the seriousness of threats to community safety and the real harm caused by intimidation, hate speech, and incitement. At the same time, policies that rely on broad or ambiguous restrictions on expression risk undermining both community safety and democratic participation. A proportionate, rights-based approach, grounded in lived experience and legal clarity, offers a more effective and equitable pathway to addressing harm while maintaining public trust and participation.

We urge the Committee to adopt a balanced, evidence-based approach that protects communities from harm while upholding constitutional principles, safeguarding freedom of expression, and avoiding measures that disproportionately impact marginalised communities.

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<sup>22</sup><https://www.abc.net.au/news/2025-04-02/khaled-sabsabi-speaks-out-creative-australia-venice-biennale/105118376>