

**Submission
No 100**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: AUSTRALIAN HELLENIC COUNCIL NSW

Date Received: 12 January 2026

OUTLINE SUBMISSION BY GEORGE VARDAS

This outline submission is in response to the inquiry by the NSW Legislative Assembly Committee on Law and Safety into measures to prohibit slogans that incite hatred.

Introduction

1. I am a former Member of the Multicultural NSW Advisory Board (2023-2025) and before that I served on the multicultural reference committees of Hurstville City Council and later Georges River Council
2. I am also the secretary of the Australian Hellenic Council (NSW), a body that has lobbied in the past on issues affected the Greek-Australia diaspora. In 2014/2015 I was part of a sustained lobbying effort, together with prominent members of the Jewish and other ethnic communities, which successfully rallied against attempts by the former Abbott and later Turnbull LNP Governments to abolish section 18C of the *Racial Discrimination Act* and remove prohibitions on speech that was reasonably likely to offend, insult, humiliate or intimidate someone because of their race or ethnicity.
3. In that capacity I also authored a detailed submission to a Federal Parliamentary Inquiry about the impacts of racial vilification on multicultural communities. ¹
4. I am also a member of the Joint Justice Initiative, a coalition of Armenian, Assyrian and Greek-Australian community organisations that are lobbying both State and Federal governments for the formal recognition of the Armenian, Assyrian and Greek Genocides perpetrated by the Turkish Ottoman Empire from 1915 onwards. ²
5. In 2024 I made a detailed submission on antisemitism to the Senate Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2) and my commentary regarding the appropriate definition of “antisemitism” was specifically acknowledged in the Committee’s final report. ³
6. Finally, in my capacity as the current Arts and Culture Editor of *Greek City Times*, a leading international Greek news portal and news agency, I have written and commented on various issues in this area, including the impact of holocaust denial in Greece,⁴ the Ballad of Mauthausen and the Horrors of the Holocaust,⁵ and a motion on genocide prevention and education moved and debated in the NSW Legislative Council in early 2024. ⁶ That reporting has always been respectful and balanced.
7. I have reservations about the nature and extent of the proposed legislative proscription of allegedly antisemitic ‘hateful slogans/hate speech’ and I set out my outline submissions in response to the substantive terms of reference dealing with the categorisation of hate speech and its proposed proscription.

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**

8. At the outset, it is important to place the current debate in proper context. Talk about social cohesion at home being maintained by 'quarantining' overseas events is naïve and disingenuous. The Australian public cannot unsee often distressing scenes from overseas (whether it be the Ukraine, Sudan or a livestream genocide in Gaza or numerous other war zones). Up to 300,000 peaceful protest marchers crossing the Sydney Harbour Bridge in August 2024 in the March for Humanity were not motivated by antisemitism and it is simply wrong and insulting to attempt to draw a direct line between peaceful protest and the hideous massacre of innocents at Bondi Beach in December 2025 by two cowardly Islamic extremists acting alone.
9. As the noted lawyer and author, Geoffrey Robertson AO. KC, observed back in 2005, well before the current war in Gaza:
- "Patience with Israel is beginning to wear thin ... At least for those without blood ties or blood guilt. The Zionist project was approved in 1948 by a world ashamed that the Holocaust could happen, but as the last old Nazis die unlamented, their depravity can no longer be permitted to block criticism of Israeli policy towards the Palestinians."*⁷
10. Dr Melanie O'Brien, president of the International Association of Genocide Scholars (IAGS), has declared that the legal definitions of genocide as found in the Genocide Convention and the Rome Statute of the International Criminal Court relevantly involve acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group and include killing or imposing conditions meant to bring about physical destruction. What is happening in Gaza constitutes genocide.⁸
11. The ICJ has also determined that there is a plausible case of genocide to be made against the State of Israel and yet pro-Israel defenders are quick to label the court and others who call out genocide as being "antisemitic".
12. It is in that context that the attempts to stifle criticism of Israel must be viewed. Not surprisingly, the underlying basis for specifically targeting the phrase "globalize the intifada" as well as "from the river to the sea" is to be found in the controversial International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. In my written submission to the Senate, I wrote, *inter alia*:
- (a) The IHRA definition is highly problematic and too prescriptive and has been extensively criticised by eminent jurists and scholars, particularly as 7 out of the 11 illustrative examples of statements that might, given the context, be antisemitic, concerned Israel rather than Jews.
- (b) Geoffrey Robertson advised in a 2018 legal opinion that the IHRA definition is seriously deficient and not fit for purpose as an instrument for dealing with antisemitism. He points out that the first sentence is question begging: what perception, and in whose eyes: those of the Jewish community, of Zionists or anti-Zionists, or is it a reference (as it should be) to the objective impression of the reasonable bystander?
- (c) The UK silk, Hugh Tomlinson QC, issued a legal opinion in 2017 in which he opined that the wording of the IHRA document is vague, unclear and confusing and is a definition

which lacks clarity and comprehensiveness. He added that any feasible definition of antisemitism needs to limit its scope to conduct motivated by hatred of Jews, which the IHRA version does not, and concluded that reliance on this definition to ban or restrict events which are thought to be 'anti-Israel' on the pretext of being antisemitic, but which express no manifest hatred of Jews or hostility or intolerance against Jews, would be unlawful.

- (d) A more workable and less controversial definitions of antisemitism that can be used in addressing this virulent form of racism is the Jerusalem Declaration on Antisemitism (2020) which defines antisemitism as “discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish)” and provides examples that help distinguish anti- Israel statements and actions from antisemitic ones, including supporting the Palestinian demand for justice and the full grant of their political, national, civil and human rights, evidence-based criticism of Israel as a state, its institutions and founding principles.
13. ***“When I use a word it means just what I choose it to mean - neither more nor less”*** (Lewis Carroll, Through the Looking Glass)
 14. The NSW Premier, Chris Minns has directly adopted the Jewish Board of Deputies’ and Executive Council of Australian Jewry’s positions on specific language used in pro-Palestine demonstrations, moving to criminalize them under his proposed hate speech frameworks. He has even formally designated the chant ‘Globalise the Intifada’ as “hate speech that encourages violence.” The other expression that has incurred the pro-Israel lobby’s ire is “From the River to the Sea”.
 15. But the meanings of these and other slogans and phrases are multi-faceted and often nuanced and the mere utterance of those word does not necessarily fuel calls for a violent insurrection against the State of Israel, let alone its Jewish population.
 16. Intifada is an Arabic word that translates to “uprising” or “shaking off”. In the case of Palestine it has long been used to refer to removing the shackles of colonial domination and a cruel Israeli occupation, normally manifested through mass civil disobedience, boycotts, divestment and sanctions in the face of the genocide in Gaza and oppressive settler activities in the West Bank.
 17. It is conceded that to many Israelis calls to globalise the Palestinian resistance are perceived to promote violence against Jews. However, it is a metaphor for liberation, not violence. It is a protest against the Israeli occupation and not against Jews *per se* or the existence of the state of Israel with the ultimate goal being to achieve an independent Palestinian state alongside Israel.
 18. It has also been noted that the term intifada is widely used in Arabic texts on the Warsaw Ghetto Uprising, including in the US Memorial Holocaust Museum’s own Arabic translation of its article on the uprising.
 19. Similarly, the phrase “From the River to the Sea: Palestine will be Free” is not a blood-curdling call for the ethnic cleansing of Jews from their ancestral homeland or the genocide of the Jewish people in Israel. Both Israel and the Palestinian territories are located between the Jordan River and the Mediterranean Sea.

20. Dr Maria O’Sullivan, Associate Professor at the Deakin Law School, has written that it is difficult to pinpoint the precise origin of the term in political and protest discourse but notes that the concept used in the term (declaring that the land in question only belongs to one sovereign nationality) is not merely a Palestinian one for it was actually included in the Likud Party Platform 1977 which sets out ‘The Right of the Jewish People to the Land of Israel (Eretz Israel)’ and includes the statement “between the Sea and the Jordan there will only be Israeli sovereignty” which is similar in sentiment.⁹
21. Professor O’Sullivan also reminds us that as the Palestinian-American writer Yousef Munayyer argues, the phrase is a means of expressing a desire for a state in which ‘Palestinians can live in their homeland as free and equal citizens, neither dominated by others nor dominating them’.

22. In his own words:

“From the river to the sea” is a rejoinder to the fragmentation of Palestinian land and people by Israeli occupation and discrimination. Palestinians have been divided in a myriad of ways by Israeli policy. There are Palestinian refugees denied repatriation because of discriminatory Israeli laws. There are Palestinians denied equal rights living within Israel’s internationally recognized territory as second-class citizens. There are Palestinians living with no citizenship rights under Israeli military occupation in the West Bank. There are Palestinians in legal limbo in occupied Jerusalem and facing expulsion. There are Palestinians in Gaza living under an Israeli siege. All of them suffer from a range of policies in a singular system of discrimination and apartheid—a system that can only be challenged by their unified opposition. All of them have a right to live freely in the land from the river to the sea.

23. The US Congresswoman Rashida Tlaib, whom the House of Representatives censured for using the phrase, has described the phrase as “an aspirational call for freedom, human rights, and peaceful coexistence.”¹⁰
24. The writer Peter Beinart also ruefully notes that what makes the pro-Israel lobby’s antipathy to the phrase “river to the sea” so ironic is that there already is a country that extends from the Mediterranean to the Jordan. And while critics of the phrase may speculate about how a Palestinian state from the river to the sea would treat Jews, Israel’s treatment of Palestinians is not hypothetical:

“Israel was created by displacing roughly 750,000 Palestinians in 1948, and it displaced several hundred thousand more in 1967, when it extended its borders from the river to the sea. Most of the Palestinians under Israeli control lack citizenship, and none enjoy legal equality. Israel now stands accused of genocide at the International Court of Justice, a charge endorsed by some of the most prominent human rights lawyers in the world ... Between the river and the sea, in other words, Israel has already perpetrated, or is perpetrating, the very abuses that the American Defence League (ADL) and the Israeli Foreign Ministry accuse Palestinian activists of wanting to perpetrate. It’s a remarkable act of projection. But it serves a purpose. Labelling the slogan antisemitic - even genocidally antisemitic - turns public attention away from how Israel is treating Palestinians now, especially in Gaza, and redirects attention toward how Palestinians might treat Jews were they in charge. It replaces the actual subjugation that Palestinians experience as an

oppressed people with the theoretical subjugation that Jews might experience were the shoe on the other foot.”¹¹

25. Professor Luke McNamara of the University New South Wales, contends that it is dangerous to outlaw phrases with contested or ambiguous meanings since a phrase means different things to different people and bans would inevitably lead to court challenges:

“We need to be very careful about locking in a particular interpretation of a contested phrase in making that automatically criminal ... It will be either over interpreted, under interpreted, or found by a court not to constitute promoting hatred. I don’t think that level of specificity is a good way to frame the criminal law.”¹²

26. Even one of the lead drafters of the IHRA definition, Kenneth Stern, the director of the US-based Bard Centre for the Study of Hate, is critical of the blatant weaponisation of antisemitism and the authoritarian creep that it promotes:

“I think when you make things a free speech fight, that’s a problem. What I started seeing back around 2010 in the United States is the definition was being weaponised to go after pro-Palestinian speech, and a lot of that speech I don’t like either. But when you start having official definitions of what is a particular type of hatred, that leads to problems that are, in my country at least, the United States, reminiscent of McCarthyism ...”¹³

27. From a pragmatic perspective, proscription of specific phrases or words or combinations thereof is fraught with danger having regard to their contested meanings and varied historical uses. As Professor Ann Twomey has noted this difficulty is illustrated by a recent Canadian case, University of Toronto (Governing Council) v. Doe et al. 2024 ONSC 3755 where the Ontario Superior Court examined several chants, including those at issue here, and considered their history, context and meaning. Drawing on scholarly evidence, the Court noted translation issues, divergent uses by Israeli and Palestinian actors, and the fact that the slogans have been used to express a range of positions, from exclusive sovereignty claims to calls for democracy and equal rights.¹⁴

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

28. For the reasons outlined above, determining what phrases, slogans or chants constitute hate speech so as to incite hatred and threaten community safety, is an issue that needs to be carefully considered on a case by case basis and not through the adoption of an absurdist ban *per se* without objective harm-based criteria.
29. For a mere blanket ban, whether by legislation of specific phrases or through the stifling of dissent by delegation (regulation), would be nothing more than political censorship.
30. I ask (rhetorically): identify the potential hate speech in these phrases:

Israel is an apartheid state
 Stop the genocide Israel is committing genocide
 Stop the Holocaust in Gaza
 Israel is a colonial settler state

Stop the ethnic cleansing of Palestinians
 Israel is guilty of war crimes
 Netanyahu is a war criminal
 Israel's genocide of Gaza
 Genocide in the Gaza Strip
 The Israel Defence Force kills journalists
 Israel is killing civilians by starvation
 Israel targets humanitarian aid relief workers
 Israel is committing cultural genocide
 Israel's denial of Palestinian humanity
 Israel is a rogue state
 Israel ignores the ICJ
 Netanyahu should be tried at The Hague
 Israel incites genocide
 Gaza as the twilight of Israel exceptionalism
 Weaponising the Holocaust
 Israel is plausibly perpetuating a genocide in Gaza
 Zionists "will die from hiding their shames" ¹⁵
 Resistance is justified when people are occupied
 Free Palestine
 IDF kills children
 Globalise the Palestinian resistance
 Support the Palestinian resistance
 Israel is guilty of war crimes
 Sanction Netanyahu
 I support the BDS movement
 Boycott, Divest and Sanction Israel
 Gaza is a concentration camp
 Gaza is Israel's open-air prison
 Apartheid against Palestinians
 Israel is raising Palestinian history
 Israel and the Holocaust in Gaza
 The Holocaust in Gaza: never again
 The genocide in Gaza: never again is now
 The fight against antisemitism is a shield for Israel's genocide
 Zionism feeds on Antisemitism
 Genocide is a greater evil
 Israel dehumanises Palestinians
 Israel is committing human rights abuses
 Israel treats the ICJ with contempt
 Israel has violated the Genocide Convention
 Israel is committing sociocide against the Palestinian people
 Zionism is a form of racism and racial discrimination ¹⁶
 There is no excuse for genocide [superimposed over image of Palestinian flag]
 Palestinians must resist Israel's belligerent occupation
 Israeli soldiers deliberately target children
 Israel is an apartheid regime
 I support Palestinian Resilience

Jews against the Occupation
 Stop Supporting Genocide in Gaza
 Stop Arming Israel
 Feed Gaza Now
 Boycott Apartheid Israel; Free Palestine
 When people are occupied, resistance is justified

31. In reality, we do not need a hierarchy of racisms, nor state-imposed definitions of so-called hate slogans that narrows democratic debate and stifles legitimate criticism of the State of Israel or its political and military leadership.
32. Words do matter but actions also speak louder when it comes to protesting 'hate symbols'.
33. It is generally accepted that the Meta care emoji (🤗) is a yellow smiling face hugging a red heart which acts like a supportive hug or a way of saying "I'm thinking of you" when a Facebook user seeks to offer virtual support and compassion. And yet the mere act of posting such an emoji was treated as being tantamount to a hateful slogan by the pro-Israel lobby in March 2024.
34. In a report in the *Australian Jewish News* the Multicultural NSW CEO Joseph La Posta was taken to task for clicking on to the "care" button of a Facebook post by the NSW Government Minister, Jihad Dib MP, featuring his speech in parliament about the unfolding humanitarian crisis in Gaza and decrying that people were being condemned and accused of antisemitism for supporting human rights and challenging the Israeli government's actions in Gaza. According to the report, Minister Dib also accused the Israel Defence Force of having a clear objective to flatten Gaza, describing it as "an army without any regard for the international rules of war" and called for an immediate ceasefire.
35. On any objective view Minister Dib did not express any hateful words or use hate speech and there was nothing in his comments that could be construed as antisemitic because they were critical of the State of Israel and the IDF, and not directed to Jews.
36. But alas, the report continued:

Queried by The AJN about clicking the "care" button on a video of the speech, La Posta said, "When I first saw his post about Ramadan, I shared a 'care' emoji to offer support for an individual who I know is hurting during a difficult time for many people. "Until today, I had not watched the full video clip so wasn't aware of the entire speech. Having now watched the full clip, some of the comments the minister made do not reflect my personal views." ¹⁷
37. That such a trivial gesture as expressing support on a social media post for a senior government minister's genuine concerns of the catastrophe then beginning to unfold in Gaza, should elicit a rebuke from the Jewish Board of Deputies – and then followed by a timid backdown and weasel worded 'clarification' by the senior public servant overseeing the operations of Multicultural NSW - is perhaps a harbinger of what's to come if these Orwellian thought crime laws are enacted.

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

38. It is self-evident that communities require protection from hatred, intimidation and violence but that requires adopting a more proportionate, rights respecting approach through targeted guidance, independent review, and, ultimately, legislative reform.

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

39. In July 2025, the UK government proscribed Palestine Action as a terrorist organisation under the *Terrorism Act 2000*, primarily on the basis of “serious damage to property.” In parallel, ministers and police have indicated an intent to treat certain pro Palestine slogans (including “globalise the intifada”) as potential “hate speech” or even indicators of terrorism related offending.
40. Section 13 of the Act makes it a criminal offence to wear clothing or display articles in public that arouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation.
41. Human rights groups have argued that the law criminalises the wearing of ‘offensive’ T-shirts, holding placards and expressing solidarity with Palestine. The UN High Commissioner for Human Rights, Volker Turk, has sharply criticized Britain’s ban on the activist group Palestine Action, calling it a “disturbing” misuse of the UK’s counterterrorism laws and urging the government to reverse the decision., stating that the decision was disproportionate and unnecessary.¹⁸
42. These concerns were highlighted in reporting on the first wave of arrests after the ban came into force, with some commentators arguing that the proscription reflects selective enforcement of terrorism laws, disproportionately targeting pro Palestine activism.

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

43. The Museum of Australian Democracy in Canberra states:

“Australian democracy has, at its heart, the following core defining values: freedom of election being elected; freedom of assembly and political participation; freedom of speech, expression and religious beliefs; rule of law; and other basic human rights.”

44. It is settled law that the Australian Constitution contains an implied freedom of political communication and that laws that burden political communication must be justified as reasonably appropriate and adapted to serve a legitimate purpose compatible with representative government. Any law that burdens this communication must be purposefully aimed at a legitimate objective consistent with the constitution and proportional in achieving that objective without being overly broad or coercive.

45. In Coleman v Power [2004] HCA 39 at [213]-[214] Kirby J enunciated the democratic impulse underpinning the approach adopted by the High Court:

[213] “(O)nce it is established that a law in the Australian Commonwealth purports to impose an effective burden upon freedom of communication about governmental or political matters, such a law will be invalid unless it seeks to achieve its ends in a manner that is consistent with the system of representative government that the Constitution creates. In the case of dispute, it is ultimately this Court that decides the matter. It does so by the measure of the Constitution, not by what the Parliament or anyone else might reasonably be capable of thinking.

[214] Since it was propounded, the principle expressed in Lange has been accepted by this Court, and repeatedly applied ... This Court should not cut back the constitutional freedom whilst pretending to apply it. That freedom is defensive of the core institutions established by our basic law. Representative democracy would be neutered in Australia if we had the buildings that house our Parliaments and went through the forms of regular elections but restricted the robust free debates amongst citizens that are essential to breathe life into the accountability of parliamentary government in Australia to the people who are sovereign.”

46. Professor Ann Twomey offers the following sage guidance:

- A law that criminalises the public use of a particular political slogan does not merely incidentally burden political communication; political communication is its direct target.
- Political chants and slogans used at demonstrations fall within the very core of political communication protected by the Constitution.
- Where existing offences already prohibit threats, incitement to violence, and the creation of reasonable fear of intimidation or harm, an additional offence targeting words as such risks being grossly disproportionate to any legitimate protective purpose.
- A prohibition that operates by reference to the content of political expression, rather than demonstrable harm, raises acute problems of overbreadth and constitutional vulnerability.
- Many political slogans have historically carried multiple, contested meanings, varying across time, context, language, and the intent of the speaker, making it difficult to equate the mere utterance of a phrase with incitement or intimidation.
- The automatic attribution of a single hateful meaning to a political slogan is not justified where credible historical and scholarly evidence demonstrates plural and evolving uses.

- Content-neutral laws directed at preventing harm are constitutionally more secure than laws that single out particular political viewpoints or phrases for prohibition.
 - A law that burdens one side of a political debate and thereby prefers the other risks distorting the free flow of political communication essential to representative government.
 - A law that criminalises the public use of a particular political slogan does not merely incidentally burden political communication; political communication is its direct target.
 - Political chants and slogans used at demonstrations fall within the very core of political communication protected by the Constitution.¹⁹
47. If the NSW Government seeks to outlaw slogans it perceives as hateful, which are inherently political, even well-intentioned prohibitions may be constitutionally vulnerable unless carefully circumscribed to focus on harm, not content.
48. Even if constitutionally valid, slogan-specific bans are practically ineffective. Movements of all political persuasions can substitute alternate language, symbols, or numerical references to convey the same underlying message.
49. As the High Court held in Davis v The Commonwealth (1988) 166 CLR 79, one cannot feasibly ban ordinary words or expressions merely because they have acquired contested political connotations. The approach proposed by the NSW Government risks criminalising a wide swath of political expression, without meaningfully enhancing community safety in a proportionate manner.
- f) Existing offences and other measures in New South Wales and Commonwealth legislation, including offences and measures that have been announced**
50. The current NSW criminal law framework already addresses threats, incitement, and conduct leading to fear of violence. Section 93Z and 93ZA of the *Crimes Act 1900* (NSW) serve these purposes.
51. If the legislature is concerned that existing offences are insufficiently expressive of community harm, narrow amendments focused on **actual incitement and intimidation conduct** (with clear definitions and safeguards) would be preferable to broad bans on slogans which would effectively operate to stifle dissent and criticism of Israel in Gaza and the West Bank.
- g) Other related matters - democracy**
- Celebrating Democracy and the Greek Miracle
52. As a proud Greek-Australian who is also involved in the campaign for the reunification of the Parthenon (Elgin) Marbles, I often have cause to reflect on the democratic impulses which found expression (at least in part) in the design and building of the Parthenon and the enduring legacy that it imparts as a beacon of democracy.

53. In September 1991 the 2500 years anniversary of the establishment of democratic institutions in ancient Athens was celebrated at an event hosted by the Greek National Assembly that took place on the hill of the Pnyx, opposite the Acropolis where the citizens of the Athenian *demos* gathered to take decisions regarding the affairs of their city state.
54. The then President of the Hellenic Republic, Mr Konstantinos Karamanlis, who played a pivotal role in the restoration of democracy in modern Greece after the stone years of the military junta between 1967-1974, delivered a welcome address in which he pointed out that the idea of democracy had been conceived by the philosophers as an expression of the "Greek passion for freedom".
55. One feature of Athenian democracy was its egalitarian domestic institutions and the inclusive practices through which it determined collective policy, noting the equal ability of Athenian citizens to speak in the Assembly, and the 'participatory ethic' that it implied.
56. Although Athenian 'democracy' was imperfect in many other ways, the right of freedom of speech was a cornerstone of the rich traditions which we have inherited from the Greeks and which stands democracies apart from authoritarian regimes.

Conclusions

57. The Antisemitism Envoy Jillian Segal's national antisemitism plan departs fundamentally from a principled, human-rights-based approach to anti-racism and risks undermining democratic freedoms. As the Australia Palestine Advocacy Network (APAN) has stated, it is actually a blueprint to silence dissent to the State of Israel's genocide, criminalise Palestine advocacy and enforce political compliance, all dressed up as addressing one form of racism, antisemitism.
58. While combating antisemitism is a legitimate and necessary objective, such an approach is inconsistent with Australia's obligations to address racism in a universal, non-hierarchical manner and risks marginalising other affected communities, including First Nations peoples and Palestinians.
59. The IHRA definition of antisemitism has been widely (and correctly) for conflating criticism of the Israeli state and of Zionism with antisemitism, thereby extending the concept beyond racial or religious hatred into the realm of political expression. The adoption of such a definition across government, education, public funding, and cultural institutions would create a substantial chilling effect on lawful political communication, advocacy, and academic freedom.
60. This outcome would be incompatible with democratic principles, freedom of political communication, and Australia's broader human rights commitments.
61. Under Australian law, political speech is often provocative and offensive to some. However, the High Court has historically protected speech that is "uncomfortably" political. Criminalising political slogans risks conflating political advocacy with incitement; expanding "hate speech" to include legitimate political expression and creating vague or subjective standards that can be weaponised against dissent.

62. Recent events also demonstrate how hateful slogans, words and images can be manipulated for purely cynical geopolitical ends, as evidenced in the attempted removal by Creative Australia of the Lebanese-Australian artist, Khaled Sabsabi, from the Australian pavilion at the 2026 Venice Biennale and the unedifying unravelling of the Bendigo Writers Festival in 2025 and just recently the attempted censorship of a prominent Palestinian-Australian author at the Adelaide Writers Week.
63. These proposed laws would push Australia further and further towards an “authoritarian illiberal democracy” where dissent is silenced and that would be fundamentally unacceptable.²⁰

George Vardas BA LLB

12 January 2025

¹ <https://www.hrlc.org.au/app/uploads/2025/04/Australian-Hellenic-Council.pdf>

² https://www.anc.org.au/news/Media-Releases/Armenian--Assyrian-and-Greek-Communities-Head-to-National-Capital-for-Inaugural-Joint-Justice-Initiative-Advocacy-Week?fbclid=IwY2xjawPQazVleHRuA2FlbQIxMABicmlkETFEdHNTT2p4eHZNM1hVRUNuc3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHkUOnsEvj5NkJJeQpxyu1cE60GRC6saGFmYj2lPrvFdBfVbqWoN0OW1RP2NL_aem_iE8iQyhEOw4zhtx95ADTWw

³ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/AntisemitismBill/Report

⁴ <https://greekcitytimes.com/2023/04/29/never-again-the-jews-of-thessaloniki-and-the-holocaust/>

⁵ <https://greekcitytimes.com/2022/11/13/the-ballad-of-mauthausen-remembering-the-horrors-of-the-holocaust/>

⁶ <https://greekcitytimes.com/2024/02/11/genocide-prevention-remembering-the-armenian-assyrian-and-greek-genocides/>

⁷ Foreword to J. Rose, *The Question of Zion* (Melbourne University Press, 2005) at p. xiv

⁸ <https://www.middleeasteye.net/news/top-genocide-scholars-unanimous-israel-committing-genocide-gaza-investigation-finds>

⁹ https://www.oversightboard.com/wp-content/uploads/gravity_forms/37-2d41e975b04d088bd93c8135cc47cfe6/2024/05/Osullivan-Submission-to-Meta-Oversight-Board-River-to-Sea.docx

¹⁰ Peter Beinart, *Being Jewish After the Destruction of Gaza* (Atlantic Books, London, 2025) at p.87

¹¹ *Ibid.* p.88

¹² <https://www.theguardian.com/australia-news/2025/dec/23/globalise-the-intifada-meaning-translation-palestinian-protest-chant-ban-nsw>

¹³ <https://www.theguardian.com/commentisfree/2019/dec/13/antisemitism-executive-order-trump-chilling-effect>

¹⁴ A. Twomey, “Prohibiting political chants and slogans” (Constitutional Clarion)
<https://www.youtube.com/watch?v=WK8ZLuRFxNw>

¹⁵ Actual source: J. Rose, The Question of Zion (Melbourne University Press, 2005)

¹⁶ UN GA resolution, 1975

¹⁷ <https://www.australianjewishnews.com/labor-mps-slam-israel/>

¹⁸ “Palestine Action ban ‘disturbing misuse’ of UK terror law: UN rights chief”
https://www.presstv.ir/Detail/2025/07/25/751846/Palestine-Action-Israel-UN-Volker-Turk?fbclid=IwY2xjawO4ACJleHRuA2FlbQlXMQBicmlkETFPbDJGMt5TzEwRzVyQTY1c3J0YwZhcHBfaWQ_QMjlyMDM5MTc4ODlwMDg5MgABHjJ_9N82Xj4OaRuZkln7LEJ1zjtKRHibAu2ADvgiS7PJMh4M0Ze21IQAD1sX_aem_U8l_cafKZwdXuSCU6Eh80w

¹⁹ Professor Ann Twomey, op. cit (endnote 13)

²⁰ G. Barns, Rise of the Right: The War on Australia’s Liberal Values (2019) p.7