

**Submission  
No 102**

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

**Organisation:** Australian Human Rights Commission

**Date Received:** 12 January 2026



**Australian  
Human Rights  
Commission**

12 January 2026

Mr Edmond Atalla MP  
Chair, Legislative Assembly Committee on Law and Safety  
By email: [lawsafety@parliament.nsw.gov.au](mailto:lawsafety@parliament.nsw.gov.au)

Dear Mr Atalla,

**Re: Inquiry into measures to prohibit slogans that incite hatred**

We are writing in response to the invitation to make a submission to the inquiry considering measures to prohibit slogans that incite hatred and threaten community safety. The Australian Human Rights Commission (the Commission) welcomes the opportunity to assist the Committee's inquiry, while noting that the short timeframe for the inquiry has limited our ability to provide a comprehensive response to the Terms of Reference.

Ensuring that every person in New South Wales can live safely and without fear is fundamental. This has taken on heightened significance and urgency following the devastating Bondi terror attack. The Commission supports considered and effective responses that protect community safety, reduce racism, and uphold human rights.

To assist the Committee, we would welcome the opportunity to meet and discuss these issues further. We also attach, for ease of reference, recent Commission submissions relevant to inquiries considering reforms of NSW hate speech laws, specifically our:

- input to the NSW Law Reform Commission review of section 93Z of the *Crimes Act 1900 (NSW)* ('Bathurst Review') and
- submission to the Independent Review of criminal hate speech laws.

These submissions highlight the following general themes that will also be relevant to the present inquiry:

**1. The importance of a safe and cohesive community**

Hate-based conduct causes profound harm to targeted individuals and communities and undermines civic trust and social cohesion. Underlying hate based conduct is often prejudice and discrimination. The Commission strongly

supports measures aimed at reducing this harm and ensuring that vulnerable communities feel – and are – safe.

## **2. Law reform as one part of a comprehensive response**

Legislative tools are necessary but, on their own, insufficient to address the complex drivers of hatred and discrimination. Policy, education and community-led initiatives should work alongside legal frameworks to reduce hate speech and strengthen inclusion. We would, in particular, highlight the National Anti-Racism Framework as outlining the type of comprehensive and multi-faceted response that is needed and recommend its adoption and implementation by the New South Wales government.

## **3. Understanding gaps and ensuring appropriate enforcement**

Before introducing new laws, it is important to identify clearly any gaps in existing laws and practice. Uncertainty about why prosecutions have been rare risks producing reforms that are largely symbolic rather than practically effective. Ensuring appropriate enforcement – including resourcing, guidance and operational pathways for police and prosecutorial agencies – is essential to maintain the rule of law and community confidence.

## **4. Avoiding fragmentation through federal–state cooperation**

Coherence between NSW and Commonwealth frameworks – and with other state and territory approaches – helps avoid a patchwork of inconsistent standards that can create uncertainty for communities and enforcement agencies. The Commission would encourage close and ongoing coordination between Australian jurisdictions to promote both legal clarity and operational effectiveness.

## **5. Focusing on conduct, intent and impact rather than enumerating expressions**

The Committee's Terms of Reference contemplate measures directed at slogans that incite hatred or threaten community safety. While prohibiting particular expressions may be appropriate in limited circumstances, relying primarily on lists of specific words or symbols can produce narrow reactive laws that struggle to keep pace with evolving or coded language. The Commission recommends focusing reforms on the nature of the conduct, the intention and the demonstrable impact – supported by clear thresholds – so that the law remains principled, predictable and adaptable over time. This approach promotes legal

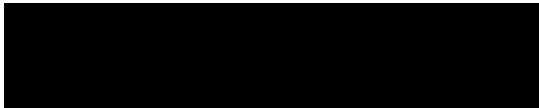
certainty for communities and enforcement agencies and reduces the need for frequent amendment as terminology shifts.

## **6. Precision in drafting and the use of terms such as ‘hatred’**

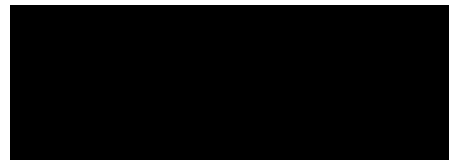
The Committee is examining measures to prohibit slogans that ‘incite hatred’ and threaten community safety. In this context, the term ‘hatred’ – if used as an operative threshold – should be framed with definitional precision and calibrated against established standards to avoid uncertainty in scope and application. The Bathurst Review considered options to strengthen hate speech laws in NSW and identified concerns that introducing offences that include concept like ‘hatred’ potentially introduced imprecision and subjectivity into the criminal law. The Commission encourages the Committee to draw on this analysis and ensure any measures are tightly drafted, proportionate, operationally workable, and compatible with the existing international human rights framework in terms of recognising the importance of protecting the full range of human rights, including both community safety and freedom of expression.

We would be pleased to meet with the Committee as this inquiry progresses, or to provide any further assistance that is required.

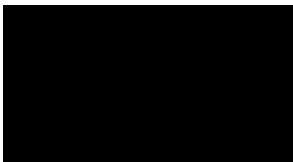
Yours sincerely,



Hugh de Kretser  
**President**



**Human Rights Commissioner**



Giridharan Sivaraman  
**Race Discrimination Commissioner**



Enc. AHRC Letter to NSW Law Reform Commission (3 June 2024)  
AHRC Submission to Independent Review: criminal hate speech laws in NSW (6 August 2025)