

**Submission  
No 111**

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

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As an individual retired academic and journal editor dedicated to free inquiry and democratic speech, I wish to register my opposition to the current proposals to ban or criminalise political slogans, including phrases such as “globalise the intifada” and “from the river to the sea”.

My research into the term ‘intifada’ indicates that the Arabic term means ‘shaking off of oppression’, based on popular uprising or protest movements’. The term ‘from the river to the sea’.

Similarly, in researching the phrase ‘from the river to the sea’ I consider that it is important to consider the full sentence, [ from the river to the sea, Palestine shall be free’. I understand this to be a statement of opposition to the platform of the political party currently in power in the region, that "between the Sea and the Jordan there will only be Israeli sovereignty. So I understand the statement "From the river to the sea, Palestine will be free" to be a call for an end to the existing system of domination and a call for freedom, human rights, and peaceful coexistence, or a vision for a single, secular, democratic state where all people, regardless of religion or ethnicity, live as equal citizens.

There is no evidence that the Bondi massacre was in any way influenced by these two slogans. As occurred in the United States with McCarthyism during the Korean War and with the crackdown in free speech after 9/11, it is all too easy, after a shock such as Bondi, when people are traumatised, to push through a repressive agenda. I am concerned

I am concerned that the proposed ban on political language will undermine protest rights, disproportionately impact Palestinian communities, and weaken democratic participation in NSW.

#### **(a) Community cohesion and safety**

There is no evidence that the use of these slogans, in and of themselves, poses a threat to community safety. In our experience. They are used in peaceful protests to express political opposition, solidarity and calls for justice. Silencing one community’s political expression is more likely to deepen division and mistrust than to promote social cohesion.

#### **(b) Claims that slogans are “inherently hateful”**

As indicated above, the slogans are used in different ways depending on context. There is nothing “inherently hateful” in a call for freedom. I consider such labelling to be racist stereotyping, removing the need to consider context and to engage in dialogue. Expression of political disagreement should not be treated as criminal conduct. Restrictions on speech should be limited to situations involving genuine threats, intimidation or incitement of violence.

#### **(c) Protecting communities from hatred and violence**

Whilst I agree that communities should be protected from hatred, intimidation and violence, NSW already has criminal laws that address incitement to violence, threats and harassment. Extending these laws to the use of slogans expressing the right to protest and the desire for freedom is unnecessary and in itself repressive.

#### **(d) Better approaches than banning slogans**

Broad slogan bans risk escalating conflict rather than reducing it. Education, dialogue, anti-racism initiatives and the use of existing criminal law are more effective ways to address hatred and violence than banning words or phrases.

Stifling political expression, particularly expression of opposition to occupation, serious denial of human rights, and state violence, would directly restrict political communication and protest and certainly should not be singled out for punishment.

**(f) Existing laws are sufficient and over-reach will be counter-productive**

Existing NSW and Commonwealth laws already deal with genuine threats to safety. Expanding these laws to include bans on political language can only serve to place a significant burden on law enforcement practice, resulting in overreach and inconsistency without improving community safety.

There will be increasing police–citizen confrontation at protests and trust between communities and authorities will be damaged. Such outcomes undermine long-term community safety and social cohesion.

**Recommendations**

1. No connection has been established between Palestinian advocacy and the Bondi shootings, so the latter should not be scapegoated.
2. Additional political slogans or symbols should be banned or criminalised, including those associated with Palestinian advocacy.
3. 3. Palestinian symbols, slogans and expressions of solidarity be explicitly recognised as protected political communication, not hate speech.
4. 4. Legislation and guidance clearly distinguish between universally recognised hate symbols and political expression opposing occupation, apartheid or state violence.
5. Existing criminal law should continue to be applied in addressing genuine threats of violence or intimidation without expanding into content-based regulation of political speech.
6. 6. Protest rights and political expression be clearly protected within NSW criminal and public order law.
7. 8. the NSW Government should ensure that any guidance to police and public authorities is content-neutral, evidence-based, and designed to prevent discriminatory enforcement against Palestinians and those advocating Palestinian rights.
8. Community education and dialogue initiatives should be prioritised over broad prohibitions