

**Submission
No 122**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Name: Dr Astrid Lorange

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Re: NSW Parliament Inquiry into banning protest slogans

Dr Astrid Lorange

I am writing today as an academic who studies social movements, political protest, and cultural responses to state violence. I am also writing as someone who has attended many Sydney-based events opposing the siege in Gaza. I have attended with my friends and family and have always found the events to be peaceful, intergenerational, and diverse. These community-led protests always include Jewish leaders, speakers, and participants among a broad coalition of people.

In August 2024, in a veritable sea of an estimated 300,000 people, I marched across the Sydney Harbour Bridge in an unambiguously popular stand against mass death and suffering. That day stands out to me as one in which I felt the significance of protest in reshaping the world: I recalled the stories of my parents' generation as they took to the streets to end the war in Vietnam, of the student-led struggles against apartheid in South Africa, and of the ongoing struggle for self-determination waged by First Nations people here. In retrospect, the moral clarity of protest is apparently easy to recognise. Yet we need, *now*, to recognise the urgency of this popular movement against the Israeli campaign in Gaza and against the condition of permanent occupation of Palestinian land and life. There is too much at stake and too much to lose.

I am very concerned that legislation is being rushed into existence that will significantly threaten the right to assembly and the right to protest in NSW. This legislation is being proposed in immediate response to the act of racial terror that occurred on Bondi beach in December 2024. In doing so, it implies a connection between the regular democratic gatherings in Sydney and the Bondi massacre—a connection both false and dangerous. Banning slogans from protests will do nothing to address the root causes of racial terror. But it *will* have a significant impact on people's democratic rights to protest. It will almost certainly increase protestor–police confrontation and make public events less safe for everyone. The proposed legislation follows at least 49 other laws enacted over the past 20 years that have significantly curtailed the rights of protestors across Australia (Source: Human Rights Law Centre).

I reject the notion that the slogans cited by the Government in the Terms of Reference are, in and of themselves, ‘directed at certain communities to intimidate those communities and instill fear of violence’. To posit thus is to wilfully ignore the historical context of occupation as well as the slogans’ widespread use and association with movements for peace and justice. While the slogan ‘From the river to the sea’ in fact has been used in different ways to different ends (including as an assertion of Israeli sovereignty) it is the case with it, and other slogans, their signification occurs within a social context. Banning the slogan outright as an incitement to violence is thus as bizarre as it is problematic. The problem is obvious: to claim that such slogans are *ipso facto* directed at ‘certain communities’ seeks to equate criticisms of Israel, a nation-state, with criticisms of Jewish people and culture: a conflation that is certainly constitutive of antisemitism and should not be made by the NSW Government.

Most importantly, this legislation will further entrench the idea that Palestinian identity and history is inherently violent. Such an idea is patently erroneous and frankly racist. It radically dehumanises Palestinian peoples by casting them as terroristic, dangerous, and hateful by nature. To outright ban protest slogans that uphold the rights and humanity of Palestinian people contributes to the egregious notion that Palestinian existence itself is a threat to Jewish safety, and that any call for Palestinian freedom is at the same time a call for the elimination of Jewish people. By outright banning calls for justice for Palestinian people, such a dangerous notion would become enshrined in law.

There is no evidence that banning such slogans, which have *not* been documented to have been used by terrorist organisations or extremist groups, will have any impact on acts of racialised terror. Further, existing NSW law protects against incitements to violence—new legislation is therefore not necessary in order to respond appropriately to legitimate acts of racial violence. It may even contradict existing law! The proposed legislation will thus only compromise and confuse serious attempts to address racial violence in our community.

Broad bans for slogans used in peaceful protests and in the interest of justice is an act of censorship and will only deepen conflict and increase community harm. The Government could

look to supporting coalitional, community-led anti-racist initiatives rather than expanding police powers through the criminalisation of protest.

There is much that can and *should* be done to confront racism and to ensure community safety. This new legislation will have a deleterious effect on any serious efforts to do so. If the NSW Government is serious about anti-racism then it will not rush through this legislation.

I make the following recommendations with my submission:

1. Any proposed bans on specific slogans, including “globalise the intifada” or “From the River to the Sea” or “From the River to the Sea, Palestine will be Free” be abandoned.
2. Palestinian symbols, slogans and expressions of solidarity be recognised as protected political communication, not hate speech.
3. Legislation and guidance clearly distinguish between universally recognised hate symbols and political expression opposing occupation, apartheid or state violence.
4. Existing criminal law continues to address genuine threats of violence or intimidation without expanding into content-based regulation of political speech.
5. Protest rights and political expression be clearly protected within NSW criminal and public order law.
6. NSW Government acknowledges and rejects the racial discrimination inherent in selectively policing Palestinian political expression.
7. NSW ensures 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 be prioritised over broad prohibitions or expanded police powers.

Sincerely,

Dr Astrid Lorange