

**Submission  
No 130**

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

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## **Background of submitter**

I am a non-practising lawyer who was the Professor of Journalism at UTS. I have more than 50 years experience as a journalist and academic including involvement in freedom of expression issues. I taught and researched in the areas of communication and media for more than twenty years including in the areas of freedom of expression. My research included studies of media coverage of international issues. I am a past Director of Australian Centre for Independent Journalism and the Pacific Media Centre and I am currently a member of the Asia Pacific Media Network.

## **Comments on Terms of Reference**

**That the Committee on Law and Safety inquire into and report on the use of slogans that are directed at certain communities to intimidate those communities and instil fear of violence.**

This broad term of reference assumes that certain slogans are used with the purpose of intimidating communities. I am aware of no evidence in the current circumstances that supports that assumption.

We do not yet know the factors that led two individuals to murder 15 innocent individuals at a Jewish celebration in Bondi. Hopefully a fuller understanding will be gained through criminal proceedings, a coronial inquiry and a Royal Commission. Meanwhile, Premier Chris Minns and

some Zionist leaders have blamed peaceful pro-Palestinian protesters for incitement. This is an unfounded slur on many thousands of Australians.

Law making should be evidence-based, not based on politically expedient assumptions.

I have been present at many pro-Palestinian protests over a number of years. I have spoken at two of the regular protests that have been organised, mostly on Sundays, since October 2023. All of these protests have been explicitly peaceful in approach and all have involved Jewish citizens. They have often included speakers who have explicitly discussed how their identity as Jews is relevant to their participation in protests. Jewish groups have carried banners identifying themselves as such at rallies. Other speakers have often congratulated and supported them.

Slogans are always short. They aim to encapsulate an idea. Slogans at pro-Palestinian protests have been directed at the conflict in the Middle East, or the Australian government and its leaders. I have never heard any slogan that is directed at the Jewish community in Australia or any slogan that incites violence against a group.

For example, we use the phrase *'From the River to the Sea, Palestinians will be free'*. This slogan refers to conflict in the Middle East and is not at all directed towards communities in Australia. This slogan expresses a hope that one day Palestinians will live as equal citizens in the land between the River and the Sea, in other words from the Jordan River to the Mediterranean Sea. It refers to the basic notions that all human beings

should have equal political and economic rights. Others may want to interpret it in different ways but that does not alter the wellknown meaning intended over many years by hundreds of thousands of Palestinian supporters around the world. The slogan is one of hope and aspiration and carries no hint of encouraging violence.

The phrase in the Inquiry's Term of reference "directed at" implies intention. I have observed no intention to instil any fear of violence in other Australians. The explicit intention and the practice is peaceful.

I would prefer this term of reference to be interpreted as meaning that the Committee should *"inquire into whether slogans have been used at protests in Sydney with the aim of intimidating communities and instilling a fear of violence."*

In my view, the answer to that is a very clear NO.

**The Committee should consider:**

**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;**

I find it surprising that the phrase '*Globalise the Intifada*' is used in the terms of reference. This is not a phrase that I have heard at protests in Australia, although perhaps it is used elsewhere. This suggests that those

who propose to ban the phrase may not be in touch with the situation on the ground at Australian protests.

I have heard the Arabic word 'intifada' used. It would be ludicrous to ban an Arabic word when the same word in English (or any other language) could be freely used. Indeed, to ban a specific Arabic word suggests an intention to ban something associated with the Arabic background communities in Australia rather than others. This would be discriminatory and potentially a breach of human rights.

The word 'intifada' in Arabic means 'shiver, shudder, tremor; awakening (pol.); popular uprising' (quoted from the 1994 edition of the Hans Wehr Dictionary of Modern Written Arabic). The word was used in Iraq in relation to the Iraqi Intifada in 1952 which included a series of national strikes and violent protests, including strikes by port workers and students against the ruling Hashemite Monarchy.

In the context of protests, I have always understood the chant of 'intifada, intifada' to mean support for 'uprising', chanted in solidarity with the Palestinians who engage in resistance. I note that the convenor of the Palestinian Action Group Josh Lees told the Guardian that he also understood it in this way, "It's a basic act of us supporting the uprisings of Palestinians against their oppression, against illegal occupation and genocide."

Those who attend the rallies do so in support of the Palestinian demand for justice and full political, national and civil rights, as required by international

law. The Australian rallies are part of a global movement in support of Palestinians from Indonesia, to Sweden and across Australia.

I accept that those who support the Israeli government's genocide of Palestinians oppose these ideas and feel offended by the very idea of 'intifada'. They argue that because their sense of Jewish identity is linked with the idea of Israel as a homeland, they should not be exposed to political expressions that challenge that identity. When confronted with the views of organisations such as the Jewish Council of Australia, the pro-Israel organisations trivialise and marginalise their fellow Jewish citizens as not significant.

Pro-Israeli elements in our society should be allowed to express their views publicly. However when they go further and want to silence and stigmatise pro-Palestinians as anti-semitic and full of hate, they must be resisted.

The findings of International courts and tribunals and respected human rights organisations should be a starting point for considering what speech should be acceptable in a democratic society.

There is no room here to recite all the findings against the state of Israel. These include findings of genocide, war crimes, crimes against humanity, and the maintenance of an apartheid system.

In September 2025, the UN Independent International Commission of Inquiry found that Israel and Israeli security forces committed four of the five genocidal acts defined by the 1948 Convention on the Prevention and

Punishment of the Crime of Genocide, namely killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the destruction of the Palestinians in whole or in part, and imposing measures intended to prevent births.

The Commission analysed statements made by Israeli authorities and concluded that those statements are direct evidence of genocidal intent. The Commission also analysed the pattern of conduct of Israeli authorities and the Israeli security forces in Gaza, including imposing starvation and inhumane conditions of life for Palestinians in Gaza, and found that genocidal intent was the only reasonable inference that could be concluded from the nature of their operations.

The Chair of the Commission, respected jurist and winner of the 2025 Sydney Peace Prize Navi Pillay, said “Israel has flagrantly disregarded the orders for provisional measures from the International Court of Justice and warnings from Member States, UN offices, human rights organisations and civil society groups, and continued the strategy of destruction of the Palestinians in Gaza.” She also said that “the Commission had found “Israeli authorities had no intention to change their course of actions. On the contrary, Israeli authorities have persisted and continued with their genocidal campaign in Gaza for almost two years now. Israel must immediately end the genocide in Gaza and comply fully with the orders for provisional measures of the International Court of Justice.” (More of her statements and a link to the full report can be found [here](#).)

Australian international law expert Chris Sidoti, who was also a member of the UN Committee of Inquiry, told the Guardian that the [Israeli authorities are pursuing a policy of total destruction](#) - “2 million people in Gaza were unable to get away from bombing and starvation, denials of medicines, access to hospitals and schools for their kids.” He described the situation as “unique”. He has warned that governments could be held responsible for genocide if they do not take actions to withdraw support from the state of Israel and that recent recognition of the State of Palestine is not only insufficient but it was too late.

On January 7, 2026 the Office of the Commissioner for Human Rights released another [report](#) detailing the “asphyxiating impact of Israel’s laws, policies and practices on every aspect of daily life for Palestinians in the occupied West Bank, including East Jerusalem.” The report warns that Israel is violating international law requiring States to prohibit and eradicate racial segregation and apartheid. These events continue until today.

On January 1, Israel revoked the licences of 37 international NGOs (INGOs) working in Gaza and the occupied West Bank, including East Jerusalem. Israel ordered that all operations must cease within 60 days. This act has been condemned by human rights organisations around the world, with Amnesty International calling for the “immediate overturning of the ban and calls for aid organisations to be allowed to continue their life-saving work for Palestinians enduring genocide, apartheid and unlawful occupation, in line with international humanitarian principles”.

This is just a very small taste of findings against the government of Israel. I urge all members of the Committee to fully acquaint themselves with these findings.

In the light of these findings, we have an ethical obligation to stand up for the Palestinians in every peaceful way they can – this must include public protests and other attempts to publicise, including through arts and journalism.

I grew up in the 1950s and 1960s in Australia. As I became aware of the Holocaust of the Jewish people and others by the Nazis, I learned the lesson that one should never turn away from terrible human rights abuses, even when personal risks are involved. I have always been aware of the terrible trauma suffered by families who lost family members and many friends during the Second World War but this can never entitle them to support a genocide of others or silence others from trying to prevent further crimes against humanity.

My own response to the Middle East has been influenced by Jewish people who stand up for the Palestinians, including the Jewish Council of Australia, Jews against the Occupation 48, Jewish Voices for Peace and individuals including Antony Loewenstein, Cathy Peters, Louise Adler, Dennis Altman, Peter Slezak, Barbara Bloch and many others. I absolutely reject the notion that part of Jewish identity is to support Israel. Anti-Zionism is not anti-semitism. Any attempt to legally impose the view that anti-Zionists are anti-semitic will lead to widespread resentment and conflict in Australian society.

I was part of the anti-apartheid movement in Sydney when hundreds of Sydney's residents staged protests with the aim of disrupting the 1971 Springboks Rugby Tour. Many condemned us then – and certainly many Rugby fans were offended and wanted the protests shut down. In spite of hundreds of violent police attempting to shut down the protests, they continued. The end result was that the South African Cricket tour of Australia was cancelled. Today, the apartheid movement is celebrated for its civil disobedience and boycotts.

As I have pointed out, I have not been aware of the phrase 'Globalise the intifada' being used in Australia. It may however have been used occasionally. The idea of banning it would likely popularise it at Australian protests.

The pro-Palestinian movement is part of a global movement – in this sense it is appropriate to 'globalise the intifada' – in other words to support internationally the Palestinians in their long fight to 'shake off' the illegal occupation and stifling apartheid system.

I understand that supporters of Israel find calls for the end to genocide and apartheid upsetting in whatever form they are expressed. However, that does not give them the right to curtail the democratic freedoms of others, to silence their opposition or suppress the truth.

Promoting the idea that Israel's apartheid state is supported by all Jewish people is much more likely to threaten 'community cohesion' than ensuring that Australian communities understand that many Jewish people support the Palestinian people and are anti-Zionists.

Silencing people is itself regarded as a form of violence.

Nearly all Australians were appalled by the horrific attack on the Jewish event at Bondi and the massacre of 15 people. This could have been a unifying moment – a moment of harmony. Instead, it was politicised by News Corporation, the Israeli PM Benjamin Netanyahu, Zionist leaders and politicians to achieve their pre-existing aims of criminalising protest and speech. This has distracted from the horror of the massacre rather than constructively responding to it.

**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;**

I do not know what ‘phrases that are so inherently hateful by their nature’ means. Racist phrases such as ‘kills Jews’ - kill Muslims or Kill Chinese- are overtly racist and are covered by existing NSW legislation.

Phrases such as ‘Globalise the Infifada’, ‘From the River to the Sea, Palestine will be free’, ‘Israel is an apartheid state’ or ‘Netanyahu you can’t hide, you’re committing genocide’ are political statements. To suggest that they express hatred towards any group in Australia is an attempt to criminalise political speech. If the thousands of Australians who have chanted these phrases and many more who hear them do not intend or understand the slogans to be ‘inherently hateful’ or anti-semitic, it does not make sense to call them ‘inherently hateful’. The fact that some groups may experience them as hateful does not change that lack of intent by those who use them or the meaning they have for others. It certainly does not give the slogans a character of being ‘inherently hateful’.

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

We have existing laws to prevent hatred, intimidation and violence.

There has been a rise in anti-semitic incidents, although reports by Zionists organisations have overstated them. I refer this Committee to a recent [article](#) by Andrew Brown that deals with this issue.

Police have been investigating anti-semitic incidents and would appear to have the necessary tools to do so. Some people have been charged. None of them have been associated with people who are actively involved in pro-Palestinian protests.

Given the public investment in government security and intelligence services, it is a matter of great concern that two men who trained to commit the massacre over many months were not identified prior to murdering 15 people. There may be explanations for this but investigation with recommendations is needed to understand how and why the activities of these two extremist men were not stopped. This matter should be investigated by the Royal Commission, a Coronial Inquest and other reviews. Banning specific phrases is a diversion from this important work and is likely to lead to more conflict, not less.

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

I am not aware of any 'best practice' in combating the use of specific slogans. I am again surprised that the Committee terms of reference seem to imply that there is such a 'best practice'.

The idea that a set of words would be banned without any recourse to judicial balancing of freedom of expression against other factors such as public safety is alarming and seemingly a deliberate attempt to avoid the consequences of current case law.

A crude ban of any political speech would undoubtedly lead to mass disobedience and other creative attempts to mock the ban.

The banning of the Palestinian action group in the UK has been a disaster for civil liberties and public order. Hundreds of citizens including many elderly ones have been arrested for simply holding up banners. Their peaceful conscientious dissent has been criminalised. There is no reason to think this would not happen if the same approach was adopted in Australia.

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

The banning of specific political slogans that do not contravene relevant discrimination legislation conflicts directly with the implied right to freedom of communication in Australia.

I assume that there will be detailed argument and advice presented about how a 'banning' approach would breach the implied right to freedom of communication. Each of these 'implied freedom of expression' protest cases involves a judicial balancing of factors in favour of freedom of political expression against other factors including public safety. This balancing act is considered crucial in the case law. The idea that this can be by-passed by banning certain phrases is unlikely to survive constitutional challenge.

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

Hate speech has been a difficult area of law in both NSW and Federal jurisdictions. The idea of taking a whole new approach of banning specific words runs counter to all other legal approaches. It also sidelines the notion of criminal intent that is embedded in existing law.

Any changes to hate speech law such as the one suggested should be only considered in the light of compatibility with pre-existing laws. Sidestepping this in a rushed process will lead to confusion and a waste of legal resources.

**g) Any other related matters.**

I oppose the Committee being held in such haste and at this time at all. The history of hate speech legislation shows that the legal issues are complex in both development and application. I was very concerned that the Committee will not publish all submissions and that there will be no hearings. This is an unnecessary departure from normal process in a Committee Inquiry system that is an important part of checks and balances

in the parliamentary system. The submission period, which has come in the middle of many Australians' holiday break, has been far too brief. I recommend that the Committee amends its schedule and holds hearings. If not, I fear that very poor laws will be passed which smack of political opportunism and will lead to injustices, lengthy court challenges and contempt for the law.

### **Law making should be evidence-based.**

Anti-semitism should not be weaponised by politicians and the media. Conflating Zionism and Judaism is more likely to make Jewish people less safe than build social cohesion.

To conclude, I agree with the NSW Council for Civil Liberties which recently stated: "Conflating legitimate criticism of Israel with antisemitism at a time when Israel is justifiably being criticised for failing to meet international human rights standards by The International Court of Justice is dangerous. This not only stifles legitimate political discourse about foreign affairs but also treats Jewish people as having monolithic political beliefs, a view that is itself antisemitic."

The Committee should reject the idea of banning slogans. It is an attack on the right to freedom of political expression which should be resisted by the Committee: far from building social harmony, it would contribute to more division and hostility in the community.