

**Submission  
No 133**

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

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Committee Chair

NSW Legislative Assembly Committee on Law and Safety

Dear Chair and members,

Thank you for the opportunity to make a submission on legislative measures to prohibit slogans on community safety grounds.

I note the focus on speech (“slogans”) as a source of inciting hatred, threats to cohesion and community safety, targeted intimidation, and fear of violence. The one example provided is “globalise the intifada”. From this single example, the Terms of reference (ToFs) assume that there are phrases in existence which are “so inherently hateful by their nature that they lead to incitement of hatred and threaten community safety”.

Firstly, it would be problematic to accept the premises of the ToRs, which assume it is both desirable and possible to “prevent the use of” specific phrases. It can be inferred from the wording of ToR (f) referring to offences that this “prevention” will be attempted by expanding the criminal law to criminalise and punish people who use the targeted phrases and are apprehended for doing so by NSW Police.

Non-criminal law to address racial discrimination and expanded criminal law to criminalise hate speech have already been enacted: Racial Discrimination Act 1975 (Cth); Criminal Code Amendment (Hate Crimes) Act 2025 (Cth); Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025 (NSW) and Crimes Amendment (Inciting racial Hatred) Act 2025 (NSW). Policing and punishment of speech has no record of ending systemic racism and violence, anywhere in the world.

The literal translation of intifada is usually said to be “shaking off”. Until recent recognition by the vast majority of United Nations member states including Australia of “the independent and sovereign state of Palestine” (Foreign Affairs Minister Penny Wong, 21 September 2025), the West Bank, Gaza and East Jerusalem were collectively referred to as the Palestinian Occupied Territories. The word “Occupied” in this phrase refers to the Israeli military occupying Palestinian territories, which enlivens specific obligations under the Geneva Conventions; and to Palestinians as an occupied Peoples on their own homelands, which enlivens specific rights.

My understanding is that *intifada* means resistance to the illegal Israeli military occupation of Palestine (International Court Justice 19 July 2024). This understanding derives from the

relevant context, which is places and events where phrases that include the word *intifada* are actually said and heard – that is, rallies in solidarity with Palestinians. It is clear that the rallies against genocide for humanity, which seek to uphold international law on prevention of genocide, are the relevant context for understanding what “phrases like [globalise the intifada]” mean. The NSW Premier and other politicians repeat “globalise the intifada” frequently in the public domain, at press conferences that are widely covered and see the phrase “globalise the intifada” then widely disseminated by media outlets.

A phrase can not logically be both “so inherently hateful by their nature that they lead to incitement of hatred and threaten community safety” *and also* frequently said by politicians and disseminated by media outlets who proclaim to be promoting cohesion, safety and harmony. The phrase is either inherently hateful by nature; or its meaning - as with all other phrases – is ascertained by context and discussion among people.

“Globalise the intifada” is a chant I have personally never heard in over fifteen years of rallying in solidarity with Palestinians on Gadi lands (Sydney, NSW since “Operation Cast Lead”, 2008-2009). The crowds do regularly chant “there is only one solution, intifada, revolution” as well as “intifada intifada” and “long live the intifada”.

This opening section of the submission is founded in my lived experience as an activist for justice and rights of colonised Peoples and subject matter expertise as an anti-colonial scholar. I conclude by reiterating the calls articulated in an open letter, which I have signed, authored by participants at the **Arab Australian Cultural and Civic Emergency Summit and** hosted by the Australian Arab Institute for Culture and Ideas. These calls are for “governments at all levels to demonstrate real leadership and take the following actions:

1. **Immediately halt, and repeal existing discriminatory speech and protest laws** that undermine freedom of expression and peaceful assembly such as in NSW.
2. **Abandon the Segal Report recommendations** and stop the use of the IHRA definition which restricts and criminalises the legitimate criticism of the State of Israel.
3. **Fund and action the National Anti-Racism Framework 2024**, grounded in consistency, dignity, and equal protection for all. The framework exists. It should be supported and utilised.
4. **End discriminatory ad hoc governance through envoys** and strengthen the independent powers of the Australian Human Rights Commission as the appropriate democratic safeguard.
5. **Advance genuine gun law reform** as a public safety measure that addresses violence without scapegoating migrant communities or suppressing civic rights.

Yours sincerely,

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