

**Submission
No 139**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Australian Christian Lobby

Date Received: 15 January 2026



The Legislative Committee on Law and Safety
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

By email: lawsafety@parliament.nsw.gov.au

15 January 2026

Dear Sir/Madam,

Inquiry into Measures to Prohibit Slogans that Incite Hatred and Threaten Community Safety

The Australian Christian Lobby (ACL) is grateful to the NSW Legislative Assembly Committee on Law and Safety for the opportunity to submit to the *Inquiry into measures to prohibit slogans that incite hatred and threaten community safety*.

This submission is approved at ACL's national organisation level.

Thank you for giving our submission your careful consideration.

Yours faithfully,

[Redacted signature]

Joshua Rowe
NSW Director, Australian Christian Lobby

[Redacted contact information]

SUBMISSION: to the NSW Legislative Assembly Committee on Law and Safety Inquiry into Measures to Prohibit Slogans that Incite Hatred and Threaten Community Safety

AUSTRALIAN CHRISTIAN LOBBY

About Australian Christian Lobby

The vision of the Australian Christian Lobby (ACL) is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the Voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

acl.org.au

1. Introduction

This inquiry arises in the aftermath of the tragic Bondi massacre of 14 December 2025, in which 15 innocent lives, including that of a 10-year-old girl, were taken by two terrorists motivated by Islamic extremism. ACL acknowledges the gravity of these events and the understandable concern for community safety, particularly for Jewish Australians.

ACL acknowledges that measures concerning protection against incitement of hatred routinely interface with issues of freedom of expression. All fundamental human rights engaged by such measures must be upheld, within the scope and subject to the permissible limitations on such rights.

This submission proceeds on the basis that **existing NSW and Commonwealth hate speech laws already meet or exceed international law thresholds**, and that further legislative expansion risks overreach, threatens legitimate expression, and distracts from addressing the real drivers of extremist violence. ACL submits that responses to slogans and public speech should not misdiagnose the problem or obscure the need to confront radical Islamic ideology, terrorism and violence through enforcement, leadership and other non-speech-based measures.

2. Existing NSW and Commonwealth protections already meet or exceed international standards

NSW already criminalises conduct that surpasses the severity threshold required by international human rights law.

Under s 93Z(1) of the Crimes Act 1900 (NSW), a person commits an offence if:

“By a public act, they intentionally or recklessly threatened or incited violence towards another person, or a group of persons, on the grounds of race, religious belief or affiliation, sexual orientation, gender identity, intersex status or HIV or AIDS.”

The NSW Law Reform Commission’s *Serious Racial and Religious Vilification Review* (27 September 2024), led by The Hon Tom Bathurst AC KC, did not recommend changes to s 93Z:

“While acknowledging the legitimate community concerns about the impact of vilification, including racial and religious hatred, we do not recommend changes to s 93Z of the Crimes Act 1900 (NSW).”

International human rights law was frequently cited as a reason for this proportionate approach, specifically to protect freedom of expression.

The headline recommendation was instead to consider reviewing the effectiveness of s 21A(2)(h) of the Crimes (Sentencing Procedure) Act 1999. Noting that as of September 2024, there had only been one prosecution under this statute, this suggests that prioritising strong enforcement, rather than expanding hate speech laws, would better address the real drivers of extreme violence against Jewish people.^a

In response to rising antisemitism in early 2025, the NSW Government passed the *Crimes Amendment (Inciting Racial Hatred) Act 2025*. From 15 August 2025, individuals can face imprisonment or fines for publicly inciting hatred where a reasonable person in the target group would fear harassment, intimidation or violence.

^a <https://www.theaustralian.com.au/nation/law-review-nips-nsw-hatespeech-reform-in-bud/news-story/9db94d338913f8b7798be8b3b87f5a4c>

At the Commonwealth level, the Criminal Code was significantly expanded by the *Amendment (Hate Crimes) Act 2025 (Cth)*, which the Attorney-General described as:

“The toughest laws Australia has ever had against hate crimes.”^b

It would be alarming if NSW were to expand its hate speech laws beyond those already enacted at the Commonwealth level. It would also be wrong to use the tragic events at Bondi to justify such an expansion, which would only provide temporary relief for symptoms of a broader systemic problem of radical Islam which is not being adequately addressed.

3. The threat posed by violent incitement and the proper focus of reform

The existential threat facing Jewish people, and the broader Australian community, is radical Islamic extremism. Any legislative restrictions imposed on speech should be confined to addressing a legitimate purpose for a protective function.

In the present context, this would be to ensure the full force of the law and political leadership is directed toward restricting speech that incites physical violence targeted at the Jewish community.

An example of this would be the recorded public statements made by Wissam Haddad that encourage killing Jews. In 2023, Haddad stated:

“They will say ‘oh Muslim, there is a yahud (Arabic for Jew) behind me, come and kill him’”^c

He further stated:

“If all the Muslims in that region (the Middle East) spat on Israel, the people of Israel would drown, the Jews would drown,” in an October 21, 2023, sermon.^d

In an October 2022 video derived from one of his sermons, Haddad also said the “sword is the only way” to deal with people who “reject Allah”.^e

Such comments demonstrate an intent to incite physical violence against Jewish groups and require a necessary and proportionate restriction through criminal law. As discussed above, laws are already in place to enforce penalties for such speech under sections 93Z and 93ZAA of the Crimes Act.

“Globalise the intifada”, though a detestable statement, would not meet this threshold, given it is impossible to determine whether a person’s intent in using that slogan is to incite physical violence or to engage in political activism. Nonetheless, it is arguable that under s 93ZAA, slogans such as “globalise the intifada”, when used in the context of radical Islamic incitement, could already be prosecuted should there be political will and the empowerment of NSW Police through strong leadership to decisively stamp out Islamic hatred of Jews.

^b <https://www.abc.net.au/news/2025-12-19/hate-speech-laws-used-four-times-since-february/106148170>

^c <https://www.senatorpaterson.com.au/news/wissam-haddad-doubles-down-on-sermons-and-spruiks-holocaust-comparison>

^d <https://www.theaustralian.com.au/inquirer/some-forms-of-intolerance-must-never-be-tolerated/news-story/ba8f16e15f86a7b67f345e9d3ac926da>

^e <https://www.theaustralian.com.au/nation/kill-jews-hate-preacher-wissam-haddad-abu-ousayd-unmasked-as-islamic-state-backer/news-story/23690db705bcbe5f92dd56e60ebeed90>

4. International human rights law and the proper threshold for restricting expression

International law provides a clear framework for balancing freedom of expression with protection against incitement.

Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR) protects freedom of expression:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (order public), or of public health or morals.

The question of necessity must be closely consulted in the formulation of laws that restrict the right to hold opinions and freedom of expression.

In applying Article 19(3), the following principles must be observed:

- Restrictions imposed by law must conform to the strict tests of necessity and proportionality.
 - Restrictions must be “necessary” for a legitimate purpose.
 - Restrictions must be directly related to the specific need on which they are predicated.
 - Restrictions must not be overbroad.
 - Restrictive measures must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve that function; they must be proportionate to the interest to be protected.
- The principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law.
- A “law” must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly.
- Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.

These principles establish an appropriately high threshold for restricting expression, one that existing NSW and Commonwealth hate speech laws already meet or exceed.

5. Article 20 ICCPR and the Proper Definition of Hate Speech

ICCPR-compliant hate speech measures under Article 20 require the prohibition of extreme forms of hate speech:

“Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”

The Rabat Plan of Action, referenced in the UN Special Rapporteur 2019 report to the General Assembly (Appendix A), defines the key terms:

- “Hatred” and “hostility” refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group.
- “Advocacy” requires an intention to promote hatred publicly towards the target group.
- “Incitement” refers to statements that create an imminent risk of discrimination, hostility or violence against persons belonging to those groups.

The UN Special Rapporteur notes that a key factor is whether there is a “real and imminent danger of violence resulting from the expression.”

ACL strongly agrees that ICCPR-compliant hate speech, constituting incitement to physical violence, should be a crime. It should be enforced effectively and impartially by our authorities and judiciary.

We argue that these forms of speech are already adequately outlawed in NSW and Commonwealth law. Improved emphasis needs to be on decisive application and enforcement against the real present threat posed by Islamic extremism.

6. The Need for Precision and the Risk of Overreach

“Hate” without a clear definition is an imprecise category. It risks sweeping in groups that simply hold unpopular views and fails to distinguish between legitimate civic disagreement and genuine extremist incitement.

International law guidance is clear that prohibitions on what merely “offends”, “insults” or “ridicules” are inappropriate. The right to offend and mock is protected.

The UN Special Rapporteur notes that criminalisation should be left for the most serious forms of incitement and that other approaches deserve consideration first, including:

- Public statements by leaders that counter hate speech
- Education and intercultural dialogue
- Expanding access to information that counters hateful messages
- Training in human rights principles

Contrary to this guidance, legislative restrictions in Australia commonly address speech of much less gravity. Existing legislative frameworks already surpass international law thresholds. In the interest of avoiding overreach, responses should work within existing legislative measures, prioritise enforcement and strong government and community leadership.

7. Addressing the Real Drivers of Extremist Violence

If we are serious about preventing future attacks, policy must address the actual drivers of extremist violence, particularly antisemitism driven by extremist Islamic ideology. Actions to pursue include:

- Stronger immigration screening to identify individuals with extremist affiliations
- Clearer deportation powers for non-citizens who incite violence or glorify terrorism
- Targeted protest laws that police gatherings that cross into incitement, glorification of violence or support for terrorist organisations, without undermining civil liberties
- Enhanced counter-terrorism capabilities and resourcing to detect, disrupt and prosecute extremist networks, including improved intelligence sharing across the Australian Intelligence Community.

Radical Islamist extremism must be explicitly recognised as a threat and explicitly addressed.

8. Awaiting the Findings of the Royal Commission

ACL notes that a Royal Commission into the Bondi massacre and related failures is currently underway. A prudent approach requires waiting for its findings. Premature legislative expansion risks misdiagnosing the problem and undermining the Commission's purpose.

9. Conclusion

International law provides a clear and disciplined framework for addressing hate speech. NSW and Commonwealth laws already meet or exceed the required threshold. Expanding these laws further risks overreach, threatens legitimate expression and distracts from addressing the real drivers of extreme violence against Jewish people.

ACL urges the Committee to maintain a principled, proportionate and internationally consistent approach and to prioritise enforcement, leadership and targeted counter-extremism measures over further expansion of hate speech laws.

Note

ACL has been closely involved in previous inquiries into changes to the Crimes Act 1900 (NSW) regarding hate speech, including submissions to:

- [Effectiveness of section 93Z of the Crimes Act 1900 \(NSW\) in addressing serious racial and religious vilifications in NSW \(5 April 2024\)](#)
- [Serious Racial and Religious Vilification Options Paper \(28 June 2024\)](#)
- [Review of criminal law protections against the incitement of hatred \(93ZAA\) \(6 August 2025\)](#)

These submissions outline ACL's position in detail on laws aimed at targeting hate speech with particular attention to the interaction of these laws with the right to free expression.

Appendix 1

Report of 2019 to the General Assembly by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/74/486, 9 October 2019), paras 13-18

13. In its general comment No. 34 (2011), the Human Rights Committee found that whenever a State limits expression, including the kinds of expression defined in article 20(2) of the Covenant, it must still “justify the prohibitions and their provisions in strict conformity with article 19”. In 2013, a high-level group of human rights experts, convened under the auspices of the United Nations High Commissioner for Human Rights, adopted an interpretation of article 20 (2). In the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, key terms are defined as follows:

“Hatred” and “hostility” refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group; the term “advocacy” is to be understood as requiring an intention to promote hatred publicly towards the target group; and the term “incitement” refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups (A/HRC/22/17/Add.4, appendix, footnote 5). [The previous Special Rapporteur defined as a key factor in the assessment of incitement whether there was “real and imminent danger of violence resulting from the expression” (A/67/357, para. 46).].

14. A total of six factors were identified in the Rabat Plan of Action to determine the severity necessary to criminalize incitement (ibid, para. 29):

- (a) The “social and political context prevalent at the time the speech was made and disseminated”;
- (b) The status of the speaker, “specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed”;
- (c) Intent, meaning that “negligence and recklessness are not sufficient for an offence under article 20 of the Covenant”, which provides that mere distribution or circulation does not amount to advocacy or incitement;
- (d) Content and form of the speech, in particular “the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed”;
- (e) Extent or reach of the speech act, such as the “magnitude and size of its audience”, including whether it was “a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement”;
- (f) Its likelihood, including imminence, meaning that “some degree of risk of harm must be identified”, including through the determination (by courts, as suggested in the Plan of Action) of a “reasonable probability that the speech would succeed in inciting actual action against the target group”.

15. In 2013, the Committee on the Elimination of Racial Discrimination, the expert monitoring body for the International Convention on the Elimination of All Forms of Racial Discrimination, followed the lead of the Human Rights Committee and the Rabat Plan of Action. It clarified the “due regard” language in article 4 of the Convention as meaning that strict compliance with freedom of expression guarantees is required. In a sign of converging interpretations, the Committee emphasized that criminalization under article 4 should be reserved for certain cases, as follows:

The criminalization of forms of racist expression should be reserved for serious cases, to be proven beyond reasonable doubt, while less serious cases should be addressed by means other than criminal law, taking into account, inter alia, the nature and extent of the impact on targeted persons and groups. The application of criminal sanctions should be governed by principles of legality, proportionality and necessity.

16. The Committee on the Elimination of Racial Discrimination explained that the conditions defined in article 19 of the International Covenant on Civil and Political Rights also apply to restrictions under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. With regard to the qualification of dissemination and incitement as offences punishable by law, the Committee found that States must take into account a range of factors in determining whether a particular expression falls into those prohibited categories, including the speech's "content and form", the "economic, social and political climate" during the time the expression was made, the "position or status of the speaker", the "reach of the speech" and its objectives. The Committee recommended that States parties to the Convention consider "the imminent risk or likelihood that the conduct desired or intended by the speaker will result from the speech in question".

17. The Committee also found that the Convention requires the prohibition of "insults, ridicule or slander of persons or groups or justification of hatred, contempt or discrimination", emphasizing that such expression may only be prohibited where it "clearly amounts to incitement to hatred or discrimination". The terms "ridicule" and "justification" are extremely broad and are generally precluded from restriction under international human rights law, which protects the rights to offend and mock. Thus, the ties to incitement and to the framework established under article 19 (3) of the Covenant help to constrain such a prohibition to the most serious category.

18. In the Rabat Plan of Action, it is also clarified that criminalization should be left for the most serious sorts of incitement under article 20 (2) of the Covenant, and that, in general, other approaches deserve consideration first (A/HRC/22/17/Add.4, appendix, para. 34). These approaches include public statements by leaders in society that counter hate speech and foster tolerance and intercommunity respect; education and intercultural dialogue; expanding access to information and ideas that counter hateful messages; and the promotion of and training in human rights principles and standards. The recognition of steps other than legal prohibitions highlights that prohibition will often not be the least restrictive measure available to States confronting hate speech problems.

Appendix 2

General Comment No.34, Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 12 September 2011, paras 22, 25 and 33-35.

22. Paragraph 3 lays down specific conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be "provided by law"; they may only be imposed for one of the grounds set out in subparagraphs (a) and (b) of paragraph 3; and they must conform to the strict tests of necessity and proportionality. Restrictions are not allowed on grounds not specified in paragraph 3, even if such grounds would justify restrictions to other rights protected in the Covenant. Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

25. For the purposes of paragraph 3, a norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.

33. Restrictions must be "necessary" for a legitimate purpose...

34. Restrictions must not be overbroad. The Committee observed in general comment No. 27 that "restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected...The principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law". The principle of proportionality must also take account of the form of expression at issue as well as the means of its

dissemination. For instance, the value placed by the Covenant upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain.

35. When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.