

**Submission
No 140**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Palestine Australia Relief and Action (PARA)

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Chair and Members
NSW Legislative Assembly Committee on Law and Safety
NSW Parliament

**Inquiry into Measures to Prohibit Slogans that Incite Hatred
Submitted by: Palestine Australia Relief and Action (PARA)
(Registered Australian Charities and Not-for-profits Commission)**

Executive Summary

Palestine Australia Relief and Action (PARA) is a registered Australian humanitarian charity committed to the protection of human dignity and human rights without exception or hierarchy. Our work is grounded in the belief that the safety, freedom, and rights of all people are indivisible, and that justice and equality are essential to social cohesion and democratic integrity. We care deeply about the well-being of all communities in Australia, and we oppose all forms of racism and hatred wherever they arise. Our remit is to help protect fundamental rights, community safety, and the principles that underpin a pluralistic and democratic society.

This submission raises significant legal, social and human rights concerns regarding recent proposals to restrict political expression and protest following the Bondi Beach terrorist attack of 14 December 2025. PARA is particularly concerned that:

1. Proposed measures risk discriminating against specific communities without lawful justification.
2. There is no evidence before Parliament establishing a link between Palestinian political or protest slogans and acts of violence in Australia.
3. Existing hate speech and racial discrimination laws already provide adequate protections.
4. Suppressing lawful political expression undermines social cohesion and increases the risk of alienation, radicalisation and violence.



1. Introduction

At a time of heightened fear and political pressure following acts of violence, careful analysis and legislative restraint grounded in evidence and constitutional principles are essential to protect all sectors of the community and the democratic freedoms that extend to all Australians. The framing of the proposed measures and the terms of reference proceed on the premise that certain political slogans are, of themselves, inherently intimidating, violent, or unlawful. There is no evidence, to support that premise in the specific case of the Bondi terrorist attack or in research evidence from large scale studies of protests globally.

This submission is made on behalf of Palestine Australia Relief and Action (PARA), a community-based charity organisation that works with Palestinians and refugees from Palestine living in Australia. PARA provides settlement support, advocacy, community education, and practical assistance to individuals and families who have experienced war, displacement, military occupation, and prolonged conflict. Our work is grounded in supporting dignity, safety, and lawful participation in Australian civic life. PARA was founded and is led by Australian Palestinians, with a mission to integrate Palestinian refugees into Australian society and build social cohesion among different community groups.¹ To that end, we collaborate closely with many Jewish, Christian, Muslim and non-denominational NFP service organisations, charities and community organisations.

Palestinians supported by PARA are newly arrived refugees who are still developing confidence in Australia's legal and political systems following a savage war and extended experience under a military occupation in which they are denied many democratic rights and experience arbitrary treatment by police and security forces. Their sense of safety and integration into Australian society depends on clear legal protections, freedom from collective blame, and trust that public institutions will act on evidence rather than assumption. Selected news reporting and social media that wrongly attribute the Bondi massacre to the Palestinian cause have caused widespread fear and distress within our community. Government proposals to prohibit certain slogans and implicitly blame the Palestinian community compound those fears and risk undermining the trust of the government that is critical to the process of social cohesion.

Australia already has comprehensive legal frameworks addressing speech that incites hatred, violence, or discrimination, including under the *Anti-Discrimination Act 1977* (NSW), the *Racial Discrimination Act 1975* (Cth) and State and Federal criminal law. These frameworks rely on evidence, and judicial scrutiny. The inquiry into the proposed measures appears rushed and unsupported by evidence on the ground, raising serious concerns about why existing legal protections are being bypassed rather than applied.

Peaceful protest and political expression are fundamental to a democratic society. Expressions of Palestinian identity, mourning, or calls for justice must not be criminalised. No factual or legal argument has been presented demonstrating a causal link between the use of specific slogans and criminal acts committed by unrelated individuals.



Without such evidence, restricting expression risks suppressing legitimate political speech while failing to address genuine threats to public safety.

This submission urges the Committee to consider the real impact of any proposals on Palestinians in Australia, to uphold evidence-based lawmaking, and to ensure that equality before the law and freedom of expression are applied consistently and without discrimination.

2. Lack of Evidentiary Basis Linking Palestinian Political Speech to Violence, and the Risk of Scapegoating

There is no evidence before Parliament establishing a causal connection between political slogans used at pro-Palestinian protests and the Bondi Beach attack or other acts of antisemitism in Australia.

Public statements by NSW Police have emphasised that the individuals responsible for the Bondi attack acted independently and were not affiliated with any organised group. NSW Police have also publicly urged community unity and healing, while acknowledging the right of individuals to engage in lawful protest in accordance with the Summary Offences Act 1988 (NSW).²

These developments have occurred within a broader context in which Palestinian Australians and their supporters have experienced heightened scrutiny, hostility, and adverse treatment in public discourse. The Australian Human Rights Commission has recognised a disturbing rise in anti-Palestinian racism and its intersection with Islamophobia and anti-Arab racism, affecting Palestinians and those perceived to support Palestinian human rights.⁴

Independent monitoring and reporting have documented incidents of harassment, intimidation, threats, and exclusion directed at Palestinians and pro-Palestinian advocates in Australia, particularly following the escalation of violence in Gaza.⁵

Recent public controversies further illustrate the risks of conflating Palestinian identity or advocacy with wrongdoing. In early 2026, the Adelaide Festival removed Palestinian-Australian academic and writer Dr Randa Abdel-Fattah from its Writers' Week program citing "cultural sensitivity" concerns after the Bondi attack. The decision attracted significant public criticism and boycotts, raising concerns about censorship and discriminatory exclusion of Palestinian voices absent any evidence of wrongdoing.⁶

Taken together, these examples demonstrate that allegations of incitement or harm associated with Palestinian political slogans have frequently failed when subjected to forensic analysis or judicial scrutiny. They reinforce PARA's submission that policy responses must be grounded in clear evidence and established legal standards, rather than assumption, association, or public pressure.



3. Impacts on Community Safety and Social Cohesion

A proper reading of the terms of reference indicates an intention to prohibit expressions directed at a community with the purpose of intimidation or incitement. In practice, these assumptions are being applied in a way that disproportionately targets Palestinians and Arabic-speaking communities, without evidence and without regard to historical, political, or linguistic context. This approach effectively holds an entire community responsible for acts it did not commit and does not support, resulting in collective stigmatisation.

The impact on the Palestinian community has been immediate and severe. Community members report heightened anxiety, reluctance to attend protests, fear of speaking Arabic in public spaces, and uncertainty about whether expressing grief, solidarity, or political views may expose them to legal or social consequences. For families who have already fled violence and persecution, this has triggered renewed feelings of insecurity and marginalisation. These outcomes undermine social cohesion rather than strengthening it.

It is essential to (re) state clearly that there is no established connection between Palestinians in Australia and the horrific attack on members of the Jewish community in Bondi. NSW Police have publicly confirmed that the individuals involved acted alone and had no association with any group or movement. There is also no evidence linking Palestinian advocacy, protest activity, or political slogans to antisemitism or violent extremism.

Evidence from academic research and Australian policy analysis indicates that suppressing lawful political expression and peaceful protest can be counterproductive to social cohesion and community safety. Where lawful avenues for expressing grievance, identity, or dissent are curtailed, affected communities may experience increased alienation, diminished trust in institutions, and heightened perceptions of injustice.

International scholarship in this field identifies the restriction of lawful political participation and expression as a factor contributing to disengagement and social fragmentation, with grievances displaced into less visible and potentially more harmful forms.²³

Australian scholarship and government-commissioned countering violent extremism analysis similarly emphasise the protective role of inclusion, procedural fairness, and trusted institutions, particularly for communities experiencing marginalisation or collective trauma.²⁴

These conclusions are reflected in Australian Government frameworks, which identify social cohesion and community trust as central to prevention efforts and warn against approaches perceived as targeting particular communities or stigmatising lawful expression.²⁰

The Australian Human Rights Commission has likewise underscored that protecting freedom of expression, alongside addressing unlawful conduct through existing legal mechanisms, is essential to maintaining a cohesive and pluralistic society.²¹



For communities supported by PARA, particularly new arrivals from Gaza living with significant trauma and displacement, measures that stigmatise or suppress lawful political expression risk compounding harm, traumatisation, and social isolation. Rather than promoting cohesion, such measures may deepen disengagement and weaken trust in public institutions.

4. Protection of Lawful Political Expression

Political expression, including symbolic, emotive, or confronting language, is a fundamental feature of democratic participation. Consistent with the implied freedom of political communication, restrictions must be evidence-based, proportionate, and directed to a legitimate purpose; they must not operate as broad deterrents to participation in public debate or peaceful assembly.

Australian government policy has also recognised that protecting lawful political expression is integral to social cohesion and public trust. Counter-terrorism and preventing violent extremism policy frameworks emphasise that social cohesion is strengthened when communities can express grievances and dissent through lawful channels, and weakened when communities experience exclusion, perceived injustice, or discriminatory restrictions on lawful civic participation.²⁰

The Australian Human Rights Commission has likewise cautioned that over-restriction of speech and protest, particularly where it disproportionately affects marginalised communities, can erode social cohesion and disengage people from democratic processes.²¹

Empirical research further indicates that suppressing peaceful protest options may reduce peaceful avenues for participation and increase incentives to resort to violent tactics as alternative pathways to influence.²²

Judicial experience supports these policy positions. In *Brown v Tasmania*¹⁸, the High Court invalidated anti-protest laws that could deter lawful political expression, illustrating the risk of ‘chilling’ effects on democratic participation.

5. The proposed banning of slogans may not be legal

The framing of the proposed measures and the terms of reference proceed on the premise that certain political slogans are, of themselves, inherently intimidating, violent, or unlawful. That premise is legally unsound. It improperly conflates expression with conduct, and risks attributing culpability to individuals and communities based on identity or perceived ideological association rather than proven unlawful behaviour. Treating political slogans as inherently criminal or intimidatory without regard to context, intent, audience, or effect reverses the burden of proof and departs from fundamental principles of Australian law.



In the absence of clear, objective, and evidence-based findings demonstrating that specific expressions satisfy established legal tests for incitement or vilification, any attempt to prohibit such slogans risks exceeding the bounds of lawful restriction and undermining core principles of Australian criminal justice.

Australian criminal law rejects collective responsibility, guilt by association, and liability based on ideology. Criminal responsibility may only be established through proof of individualised conduct, accompanied by the requisite mental element (*mens rea*), and a demonstrable causal connection between that conduct and the alleged harm. Mere political expression, including slogans, cannot satisfy these requirements absent evidence of intent to incite violence or a clear nexus to unlawful acts.

The High Court has repeatedly affirmed that political expression occupies a protected position within Australia's constitutional framework. In *Coleman v Power*⁹ (2004), the Court emphasised that political communication, even when provocative or offensive, is distinct from criminal conduct and lies at the core of democratic discourse.

In the *Commissioner of Police (NSW Police Force) v Joshua Lees*⁸, the NSW Supreme Court refused an application to prohibit a Gaza solidarity march, confirming that attempts to restrict pro-Palestinian public assembly must meet statutory requirements and withstand judicial scrutiny.

Similarly, in *Comcare v Banerji*¹⁰ (2019), the High Court reaffirmed that burdens on political communication must be justified by reference to necessity and proportionality, and that expression alone does not constitute punishable conduct unless clearly authorised by law and supported by evidence of harm.

Federal Court jurisprudence further illustrates the distinction between expression and actionable harm. In *Eatock v Bolt*¹¹ (2011), the Court imposed civil liability only after finding that the impugned expression met a clearly defined statutory threshold under the Racial Discrimination Act 1975 (Cth), including an objective assessment of context, meaning, and likely effect.

Courts have also cautioned against attributing criminal or ideological motive without rigorous evidentiary foundation. Although not a speech case, *The Queen v Keenan*¹² illustrates the centrality of intent and the limits of accessorial liability: criminal responsibility turns on proven participation and the requisite mental element, not mere association. These principles apply with particular force where Parliament contemplates speech-adjacent offences and must speak with clarity if it seeks to criminalise expression-related conduct.



Importantly, recent legal outcomes demonstrate that adverse action taken against individuals on the basis of pro-Palestinian political views may be unlawful. In *Lattouf v Australian Broadcasting Corporation (No 2)*⁷, the Federal Court found that the ABC unlawfully terminated journalist Antoinette Lattouf in circumstances that included her expression of political opinion opposing Israel's military actions in Gaza.

The decision affirms that institutions must not penalise individuals for protected political expression, including views supportive of Palestinian rights.

More recently, Australian courts have emphasised the need for evidentiary rigour before attributing ideological motive to criminal conduct, including in matters involving alleged hate or extremism.¹³

6. Risks of Selective and Discriminatory Enforcement

Over the past two years, there have been persistent public controversies concerning the policing and regulation of pro-Palestinian protests, raising concerns about equality before the law and the consistent application of public order and protest-policing standards.

Civil liberties and human rights organisations have publicly criticised attempts to prohibit or unduly restrict recurring pro-Palestinian rallies in NSW, warning that such steps depart from the State's responsibility to uphold the democratic right of protest and risk chilling lawful political participation²⁵

Comparative research on protest policing further demonstrates that increased militarisation of policing responses to demonstrations can itself escalate confrontation. Empirical studies examining protest policing in the United States and Europe have found that the deployment of militarised tactics, equipment, and crowd-control strategies is associated with higher rates of protester-police conflict, rather than deterrence, particularly where protests are otherwise lawful.²⁸

Media reporting has also highlighted contrasting enforcement approaches in other protest contexts. In November 2025, ABC News reported that NSW Police did not oppose a neo-Nazi rally outside NSW Parliament, with the assembly treated as 'authorised' because police chose not to oppose the Form 1 application, prompting public scrutiny of inconsistent approaches to protest policing and public order decisions.²⁷

This contrast has contributed to perceptions of unequal enforcement, grounded in observable differences in policing practices across protest contexts. Australian Government policy frameworks caution that perceived double standards in the application of law and policing powers can undermine trust in institutions and weaken social cohesion.²⁰



In addition, Palestinian Australians and supporters have experienced institutional exclusion and adverse consequences in professional, cultural, and academic settings in connection with pro-Palestinian political expression, despite no finding of unlawful conduct. The Federal Court's decision in *Lattouf v Australian Broadcasting Corporation (No 2)*⁷ confirms that adverse action based on political opinion rather than conduct may be unlawful.

Consistency in legal standards and enforcement is essential to social cohesion. Where lawful political expression by one community is subjected to heightened restrictions, scrutiny, or stigma not applied to others, the resulting perception of inequality before the law risks eroding confidence in democratic institutions and undermining community trust. Any proposed restrictions on political expression should therefore be applied uniformly, transparently, and based on evidence.

7. Existing Legal Frameworks Provide Protection

All forms of hate speech need to be addressed, including through the application of existing legal frameworks that provide the necessary sanctions while protecting the safety, rights and freedoms of all members of the community. Specific laws that provide the necessary levers and sanctions include:

7.1 Federal Racial Discrimination Safeguards

Section 18C of the *Racial Discrimination Act 1975* (Cth) prohibits public acts that are reasonably likely to offend, insult, humiliate or intimidate on the basis of race, ethnicity or national origin.¹⁴

In *Eatock v Bolt*¹¹ (2011), the Federal Court confirmed that public commentary may contravene section 18C where it conveys meaning reasonably likely to offend and is connected to racial attributes.

7.2 State Anti-Discrimination and Criminal Law

In New South Wales, racial vilification and incitement to violence are unlawful under the *Anti-Discrimination Act 1977* (NSW) and relevant provisions of the *Crimes Act 1900* (NSW).¹⁵ These frameworks already criminalise conduct that crosses into actionable harm, rendering additional slogan-based prohibitions unnecessary.

7.3 Constitutional Considerations

Australian constitutional law recognises an implied freedom of political communication as a limitation on legislative power. The High Court has consistently held that any law burdening political expression must pursue a legitimate purpose and be suitable, necessary, and adequate in its balance (proportionate). In *Lange v Australian Broadcasting Corporation*¹⁶, the Court confirmed that political communication lies at the core of Australia's system of representative and responsible government.



This approach was refined in *McCloy v New South Wales*¹⁷, where the Court articulated a structured proportionality analysis. In *Brown v Tasmania*¹⁸, the Court invalidated anti-protest laws that were overbroad and capable of deterring lawful political expression. By contrast, in *Clubb v Edwards*; *Preston v Avery*¹⁹, the Court upheld protest restrictions only because they were narrowly confined and targeted specific conduct rather than political expression.

Together with *Comcare v Banerji*¹⁰, these authorities indicate that broad or symbolic prohibitions on political expression, including political slogans, are constitutionally vulnerable where less restrictive legal mechanisms already exist.

8. Recommendations

PARA respectfully recommends that the Parliament of New South Wales consider the following:

1. Ground policy responses in evidence and constitutional principles of proportionality.
2. Rely on existing discrimination and hate speech laws, which already provide appropriate protections.
3. Ensure equal legal protection and avoid selective or racially discriminatory enforcement.
4. Engage directly with affected communities before introducing restrictions that affect civil liberties.
5. Reject broad bans on political slogans that are not demonstrably linked to criminal conduct.

9. Conclusion

Protecting civil liberties and meaningful participation in political life strengthens social cohesion and democratic resilience. Measures that criminalise peaceful political expression without evidence risk undermining public trust and social harmony. This submission is made in response to the Terms of Reference and is intended to assist Parliament in assessing the necessity, proportionality and potential impacts of any proposed measures.



Footnotes

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7. *Lattouf v Australian Broadcasting Corporation (No 2)* [2025] FCA 669; Federal Court online file <<https://www.fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/lattouf-v-abc>>.
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9. *Coleman v Power* (2004) 220 CLR 1.
10. *Comcare v Banerji* (2019) 267 CLR 373.
11. *Eatock v Bolt* (2011) 197 FCR 261.
12. *The Queen v Keenan* [2009] HCA 1; (2009) 236 CLR 397.



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14. Racial Discrimination Act 1975 (Cth) s 18C.
15. Anti-Discrimination Act 1977 (NSW) pt 4A; Crimes Act 1900 (NSW) (relevant offences including threats and incitement provisions).
16. Lange v Australian Broadcasting Corporation (1997) 189 CLR 520.
17. McCloy v New South Wales (2015) 257 CLR 178.
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19. Clubb v Edwards; Preston v Avery (2019) 267 CLR 171.
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