

**Submission
No 147**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Jewish Centre for Law & Justice Ltd

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Submission: NSW Measures to Prohibit Slogans that Incite Hatred

Dear ██████████

The Jewish Centre for Law and Justice (**JCLJ**) is a registered charity established in late 2024 with the express purpose of harnessing the law to combat all forms of antisemitism and related discrimination. We envision an Australia where the law ensures Jewish communities, individuals and their allies are respected, secure and thrive in dignity.

Since becoming operational in mid-2025, JCLJ has assisted in arranging legal support for hundreds of Australians negatively affected by antisemitism. Overwhelmingly, these affected individuals report exclusion, vilification, victimisation, and institutional failure over recent years and particularly since 7 October 2023.

The inadequacies of existing Australian Commonwealth and State/Territory legal frameworks to address such harms have regularly been cited by authorities and politicians as reasons for inaction against such harms.

A regrettable consequence of the national failure to address growing antisemitism is that Australian Jews have been marginalised, excluded, harassed, intimidated, threatened or the victims of criminal acts. This culminated, predictably, in the terror attack occurring at Bondi Beach on 14 December 2025 with the loss of 15 innocent lives and irreparable harm to the Jewish community's sense of safety and security in this country (**Bondi Terror Attack**).

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In JCLJ's experience, a recurring and escalating feature of contemporary antisemitism is the public use of phrases, symbols and imagery that glorify or legitimise violence, dehumanise Jews as a group, and create an atmosphere of intimidation and exclusion. This conduct has become increasingly visible in protests, public gatherings and online spaces, immediately following the Hamas terrorist attack on Israel on 7 October 2023 and continuing after Israel's war in Gaza commenced weeks later.

JCLJ submits that existing legal frameworks, both legislative and enforcement mechanisms, do not adequately address this form of harm.

(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;

JCLJ wishes to emphasise that the threat to social cohesion from antisemitic discourse is not limited to slogans used at protests. It also arises from symbols and imagery used in the public domain, including at protests and, importantly, online.

JCLJ submits that phrases, symbols and imagery that can be reasonably interpreted as:

- calling for, celebrating or encouraging violence or inspiring fear;
- celebrating, glorifying, justifying, normalising or encouraging the murder of civilians; and
- encouraging or promoting hatred, dehumanization, demonisation, ostracism or marginalisation of individuals or groups (including through the use of libels and tropes) on the basis of race, religion, ethnicity, nationality or other inherent attribute without a reasonable justification

pose a serious threat to community cohesion and threaten the right of the general public to feel safe and secure in their lives in Australia and should be prohibited.

To the extent that the existing legal framework does not extend to the above, JCLJ submits that it should be expanded to do so. JCLJ considers that there are gaps where speech involves celebrating violence, justifying and normalising the murder of civilians, and where speech encourages or promotes hatred on the basis of a protected attribute. These gaps should be addressed by legislative reform.

Phrases, symbols and imagery used against Israel are borrowed from antisemitic movements such as Nazism, or terror groups like Hamas and Hezbollah, which have historically targeted and brutally murdered Israeli civilians for ideological and/or political purposes.

These terror groups use the word "intifada" to call for Palestinian violence against Jewish civilians, recalling the first and second intifadas, when Israeli civilians lived in constant fear of violence in their daily lives. A call for "intifada" (not just to globalise it) is a call for co-ordinated antisemitic violence against civilians and suggestions that "intifada" should be understood divorced from its historical context should be rejected.

In Australia, children have been encouraged by protest organisers and speakers to shout “intifada” at protests and encampments.¹ Encouraging children to call for such violence begins psychological priming for violence and hatred dangerously early.

Zionism is, at its most essential, the belief that Jews have a right to self-determination and sovereignty (a state) in their ancestral homeland, the land of Israel; and support for that state’s existence. This belief is reflected in more than 2000 years of Jewish religious practice and culture, and is central to the identity of most Jews.

Antizionist rhetoric calls for the destruction or abolition of the state of Israel. Whilst it is possible to have a philosophical stance against Zionism, for instance if you are opposed to all states created based on creating a homeland for a single race or religion, calling for the destruction or abolition of a state that already exists with millions of citizens *ipso facto* calls for the displacement or murder of those citizens.

The antizionist movement is rhetorically sophisticated and originates overseas – it is not organic to Australia. Israeli academic and author Einat Wilf describes one of its core methods as follows²:

This is what I call the “placard strategy.” It is ingenious in that it employs a simple and constantly repeated equation, worthy of a kindergarten. On one side is the word “Israel” or “Zionism,” or even merely an image of the Star of David. On the other side, after an = sign, there is a litany of words that have become signifiers of evil. Thus:

Zionism = Racism

Zionism = Apartheid

Zionism = Genocide

...

The placard strategy—with its nursery-rhyme repetition of a simple message in numerous forums, combined with academic authority and the imprimatur of U.N. bodies—leads to only one logical outcome. It is the one seen in recent demonstrations, in which a Star of David is placed in a trash bin labeled “Keep the World Clean.” If Israel, Zionism, and the Star of David are evil, then evil must be eradicated. Moreover, it must be put in the trash and eradicated because on the other side of this process awaits a world of justice, rights, equality, and freedom.

It is no coincidence that while all the evil words are made to be associated with the collective Jew, all the good words are made to be associated with those fighting the collective Jew. And more than any other placard, “Keep the World Clean” from the Star of David is the one that should lead Jews to see the ultimate purpose of the entire project: a world without the collective Jew. Indeed, the idea that the collective Jew is

¹ <https://www.smh.com.au/national/nsw/young-children-chant-anti-israel-slogans-at-sydney-university-protest-20240428-p5fn3x.html>

² Wilf, E., 2024, “[The Palestine Propaganda Complex](#)”, Sapir Journal

what stands between this world and utopia is an ancient one with deadly consequences.

This “Keep the world Clean” placard, which Wilf says is the most concerning of all - as its metaphor calls for a utopian world where Jews no longer exist – has appeared at anti-Israel rallies all over Australia, and online.

Perhaps due to a misunderstanding of Zionism and Israel’s centrality to Jewish identity, culture and religion, Islamist and left wing antizionist rhetoric has not been curtailed by authorities or existing laws. That rhetoric has consequently become normalised and mainstreamed to the extent that a permissive culture has developed in Australia around the expression of antizionist phrases, symbols and imagery.

The harm of such phrases, symbols and imagery is amplified in protest settings, where chants are repeated loudly by large crowds and directed both inwardly and outwardly. In these contexts, slogans operate as a form of collective intimidation. They also psychologically prime participants and witnesses to hatred and hostility. The subsequent recording and dissemination of such material online extends and entrenches that harm.

Even before the Bondi Terror Attack, there are reports that many Australian Jews have been making plans for an escape from Australia if conditions continue to worsen.³

The Bondi Terror Attack is a tragic real life example of how hate speech left unchecked can escalate to violence. Academic research recognises that hate-motivated violence often represents the culmination of a continuum of prejudice, harassment and dehumanising narratives which, when normalised and insufficiently constrained, can legitimate and escalate hostility into violent action. For instance, US academic Mari Matsuda has stated:

*Violence is a necessary and inevitable part of the structure of racism. It is the final solution, as fascists know, barely held at bay while the tactical weapons of segregation and propaganda do their work. The historical connection of all the tools of racism is a record against which to consider a legal response to racist speech.*⁴

US academic Alexander Tsesis has said that the most dangerous form of bigotry takes years to develop, until it becomes culturally acceptable first to libel, then to discriminate and dehumanise, and finally to persecute outgroups,⁵ noting that historically:

The planning stages of crimes against humanity, like the Nazi Holocaust and American slavery, were fomented by years of inflammatory literature and education. Charismatic leaders were able to harness misethnicity to kill and enslave only after decades of anti-Semitic and racist dogma had done their damage. Given the historical documentation showing the gradual development of group hatred through propaganda, it is simplistic,

³ Isaacson, G., “Australian Jews Grapple with Emigration Thoughts After Deadly Bondi Beach Terror Attack”, J-Feed, <https://www.jfeed.com/antisemitism/australian-jews-emigration-bondi-attack>.

⁴ Matsuda, MJ., “Public Response to Racist Speech: Considering the Victim’s Story” (1988) 87 *Mich L Rev* 2321 at 2335

⁵ Tsesis, A., 2002, *Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements*, New York University Press, New York, 26.

*disingenuous and cynical ... to argue that only immediately inflammatory oratory is socially dangerous.*⁶

Normalisation of hateful, violent and aggressive discourse is not just a risk for Australian Jews but for all Australians. Hate and violence are inconsistent with Australian values and make all Australians less safe.

In JCLJ's submission, law reform to address such discourse should not focus on static lists of prohibited words, which can be easily parsed and reformulated to evade prosecution by sophisticated operators who are part of an international hate movement, but on the hatred, violence and discord that motivates such discourse (including symbols and imagery) and that it can generate.

(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

JCLJ is concerned that the absence of meaningful consequences for such phrases, symbols and imagery in the public arena and online has allowed hatred of Jews to become normalised and a permissive culture to develop towards antisemitic conduct.

Weekly protests at which such phrases, symbols and imagery are permitted, alongside the ever-present echo-chamber of social media content which is largely unregulated, accelerates the psychological priming effect referred to in response to heading (a) above.

JCLJ emphasises further that law reform should continue to focus on public and online activity. JCLJ agrees with the submissions of the Executive Council of Australian Jewry (**ECAJ**) with respect to this subheading, including:

- amending the standard in s93ZAA of the *Crimes Act 1901 (NSW)* to include promotion of hatred;
- introduction of guidance as to what constitutes a hateful slogan.

While hate speech at protests and online should be subject to legal sanction (criminal and civil). However, effective enforcement may not be realistic, effective or feasible in relation to most individual participants engaging in such speech – for instance, they may not be easily identified online or at protests, and, at protests, evidence of what was said would depend on witnesses who may not wish to incriminate themselves or give evidence against their fellow protestors.

JCLJ therefore further submits that protest organisers and platforms exercise control over public spaces and derive benefit from them. It is therefore reasonable to impose secondary responsibility where foreseeable harm is not addressed. Organisers and platforms imposing conditions on participation to avoid criminal and civil liability may be more effective in preventing the use of such phrases than individual prosecutions. Accordingly, JCLJ submits that any prohibition should expressly include criminal and civil liability for protest organisers and social media platforms where such material is disseminated.

⁶ *Ibid*, 137.

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

As noted above, hateful speech primes the audience for violence. This is particularly so where the subject is demonised and dehumanised – such conduct allows perpetrators to justify an escalation from hate speech to violence towards the subject.

The explosion in antisemitic incidents reported by ECAJ since October 2023 coincides with an explosion in such speech at protests and online.⁷ It is likely based on the academic material cited above that this relationship is causative and not correlative. Three very concerning observations can be made from the ECAJ data:

1. the number of incidents was the largest spike of any of the top 7 countries with diaspora Jewish communities⁸;
2. there was an unprecedented number of antisemitic attacks characterised as “vandalism” which includes multiple serious arson attacks⁹; and
3. ECAJ observed a marked increase in directive antisemitic slogans e.g. a transition towards “kill the Jews” from “death to the Jews” (which is more passive in tone).¹⁰

This data, and the subsequent Bondi Terror Attack, reflected the trend articulated in the academic work referred to above – from speech to vandalism, to violence and ultimately, murder.

While the NSW Government has taken steps in the last two years to strengthen the legal framework to enable successful prosecutions of antisemitic conduct in public, this trend has continued unabated.

ASIO has said publicly that antisemitism had become its top security concern, overtaking terrorism and foreign interference “in terms of threats to life”, because of the volume and severity of incidents.¹¹

JCLJ therefore welcomes the NSW Government’s actions in establishing this inquiry and calling for a Royal Commission into these concerning developments.

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

The growth in antisemitism and antisemitic violence is not a uniquely Australian phenomenon (although as noted above, it appears to be worse than in other countries with large diaspora populations).

⁷ In the year to 30 September 2024, ECAJ reported a 316% increase in anti-Jewish incidents on the year prior, and while incidents came down in the year to 30 September 2025, they remained roughly **five times** the pre-October 2023 annual baseline: [ECAJ Special Report: Anti-Jewish Incidents in Australia 2025](#), Executive Council of Australian Jewry, 2 December 2025. This statistic excludes discourse.

⁸ <https://www.ecaj.org.au/global-jewish-leaders-australias-antisemitism-spike-is-a-warning-for-democracies-worldwide/>

⁹ ECAJ Special Report: Anti-Jewish Incidents in Australia 2025, 1.

¹⁰ ECAJ Special Report: Anti-Jewish Incidents in Australia 2025, 3.

¹¹ Kolieb, S., 27 February 2027, “[Antisemitism ASIO’s top priority](#)”, [Australian Jewish News](#).

This suggests that Australia's legal framework is failing to protect Australian Jews from antisemitic harm more so than other democracies.

JCLJ's observation is that Australia has flexible and (generally) appropriately balanced civil protections for racial vilification at the State and Commonwealth levels, but notes the following:

- civil protections generally require a mandatory pre-litigation conciliation process which has depended on the State or Commonwealth human rights agency's workflow. JCLJ's experience is that wait times can be up to 9 months in the Australian Human Rights Commission;
- officers at these agencies do not necessarily understand antisemitism well or consider it to be a priority for their organisation; and
- the system relies on individuals with the protected attribute to take on the risk and cost of litigating in order to obtain justice.

Despite the thousands of examples of antisemitic conduct cited in the ECAJ report over the two years since October 2023, there have been very few arrests or prosecutions for such conduct. Frequently penalties awarded by the courts are small, or the prosecutors do not successfully establish the intention elements of the relevant offence. They consequently frequently end up prosecuting under lower penalty non-aggravated offences in order to ensure a successful prosecution.

JCLJ understands from its work that there have been fewer enforcement difficulties in Western Australia, where the offence under s77 of the *Criminal Code 1913 (WA)* is expressed as follows:

Any person who engages in any conduct, otherwise than in private, by which the person intends to create, promote or increase animosity towards, or harassment of, a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 14 years.

JCLJ is also concerned that the existing suite of NSW criminal and civil provisions do not grapple with the explosion of hatred online. Where provisions such as s474.17 of the *Criminal Code 1995 (Cth)* (using a carriage service to menace and harass) exist, JCLJ's experience is that the Australian Federal Police has been excruciatingly slow to investigate. For instance, there has been not one charge in relation to the doxxing of the 600 Jewish creatives whose whatsapp chat was leaked and a "Zio list" was created with personal details of each of their names was disseminated online. Even since introduction of the new doxxing offence in 2024, in s474.17D of the *Criminal Code 1995 (Cth)*, JCLJ is not aware of a single person who has been charged with that offence.

While JCLJ would welcome additional criminal prohibitions in order to set the tone regarding harmful phrases, symbols and imagery, like the doxxing offence, they are of little value if the policing and enforcement of those laws is not given priority.

Accordingly, JCLJ respectfully submits that the NSW Government should prioritise and properly resource prompt investigation and enforcement of hate crimes, carriage service offences and civil actions for vilification.

JCLJ also submits that the NSW and Commonwealth Governments could collaborate with the J7 countries in a joint strategy to combat antisemitism, particularly elements that are originating from foreign actors.

(e) The Australian Constitution and the implied freedom of political communication

The implied freedom of political communication is not a personal right but a safeguard to protect Australia's system of representative democracy. Hate speech that promotes violence or dehumanises or degrades a group in society based on an inherent attribute is inconsistent with Australian democratic values and freedoms. Provided that laws enacted are reasonable and proportionate to their objects, the implied freedom should not constrain the enactment of laws addressing such speech.

While JCLJ believes the freedom of speech is fundamental to a thriving democracy, that right is not absolute and must be balanced against countervailing rights of citizens to live in safety and dignity. The horror of the Bondi Terror Attack makes clear that this balancing needs to be reassessed in light of abuses of such rights by malign actors both in Australia and overseas.

(f) Existing offences and measures in NSW and Commonwealth law

JCLJ has had the benefit of reading the submission of the ECAJ submission in relation to this subheading and agrees that the existing regime has proved challenging because of high evidentiary thresholds, narrow fault elements and exemptions.

JCLJ repeats the concerns raised earlier about lack of prosecutions and enforcement. Any new provisions should be carefully monitored to ensure that prosecutors have the resources necessary to ensure successful and timely prosecutions.

JCLJ is grateful for the opportunity to make this submission.

Yours faithfully

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