

**Submission
No 148**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Name: Mr Damien Webb

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To the Legislative Assembly Committee on Law and Safety,

I provide this submission as an award-winning curator, employed and recognised as an expert by the State Government, and as the Chair of the IFLA Indigenous Matters Section (International Federation of Library Associations and Institutions).

I write also as a Tasmanian Aboriginal and gay man whose professional practice is dedicated to the ethical interpretation of language, history, and contested narratives.

I am deeply concerned by this inquiry and the proposed laws.

1. Existing Legal Frameworks Are Sufficient

NSW already possesses robust mechanisms to deal with genuine threats. Section 93Z of the Crimes Act 1900 (NSW) already criminalises publicly threatening or inciting violence on grounds of race, religion, and sexual orientation. If the government believes current laws are insufficient, the solution is not to create a prohibited list of "banned words," but to examine why existing powers are not being applied equitably.

2. The Expert View: Context Cannot Be Legislated

In my capacity as Chair of IFLA IM, I look to international standards for guidance. The UN Rabat Plan of Action—the global gold standard for defining hate speech—explicitly warns against the criminalisation of speech without a high threshold of "incitement." The Rabat Plan requires an assessment of context, speaker, intent, and likelihood of harm.

Banning specific slogans (such as "globalise the intifada" or others) strips away this necessary context. It creates a "strict liability" approach to speech that violates the nuance required by international human rights law. As a curator, I know that a phrase viewed as a threat by the establishment is often a legitimate cry for liberation by the oppressed. To ban the words is to ban the context, which creates a blunt instrument—a cudgel—that will inevitably be wielded clumsily by the state.

3. The Double Standard of "Safety"

I find it difficult to trust the government's sudden urgency regarding "hate speech" when this urgency was entirely absent during the vile racism directed at First Nations people during the recent Referendum. It was absent when neo-Nazis were permitted to protest on the steps of Parliament mere weeks ago.

The focus on these specific slogans now, while ignoring the systemic hate speech directed at Blackfella and Queer communities daily, suggests these laws are not about universal safety. They appear to be selective political policing. This selective application undermines the principles of UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples), specifically the right to self-determination and political expression free from discrimination.

4. Impact on Marginalised Communities

I worry that my communities (Queer and Aboriginal) will be disproportionately targeted by these laws. I fear that legitimate political expression, such as "No Pride in Genocide," will be twisted into "hate speech" under this new legislation. I do not trust these powers to be used fairly when the current discourse on hate speech seems to ignore almost everything except specific political interests.

Conclusion

These proposed laws are draconian and embarrassing, reducing NSW to a police state. If our leaders cannot find unity without resorting to such blunt censorship, it bodes ill for the rest of us. I urge you to reconsider these measures and ensure protections for those of us who suffer daily from the exact hatred you claim to be fighting.