

**Submission
No 155**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

Organisation: Centre for Resilient and Inclusive Societies

Date Received: 21 January 2026



CRIS
Centre for Resilient
and Inclusive Societies

**Submission to the NSW Legislative Assembly Committee on Law and Safety's
Inquiry into Measures to Prohibit Slogans Directed at Certain Communities to Incite Hatred and
Threaten Community Safety
Submitted by Centre for Resilient and Inclusive Societies (CRIS)**

1. Executive Summary

The Centre for Resilient and Inclusive Societies (CRIS) welcomes the opportunity to contribute to the NSW Legislative Assembly Committee on Law and Safety's inquiry into measures to prohibit slogans that incite hatred and threaten community safety.

CRIS recognises the growing concern within government and the community regarding the use of certain slogans and public expressions that are intended to intimidate, threaten or glorify violence against identifiable communities (or can be interpreted in that way). Such expressions can undermine social cohesion, escalate inter-community tensions, and create environments in which violence becomes more likely.

At the same time, CRIS emphasises that freedom of expression — including robust political communication, protest and dissent — is a cornerstone of Australia's democratic system. While freedom of speech is not absolute, any legislative intervention must be carefully designed to avoid unintended consequences that could undermine democratic rights, limit legitimate expression, or be misused in future contexts.

This submission argues that:

- Targeted intimidation and incitement to violence warrant a proportionate legal response, but
- Prohibition alone is insufficient to address the underlying drivers of hatred and social fragmentation, and
- Responding with a whole-of-system lens seeks to ensure no adverse or second-order outcomes occur from narrowly addressed issues.

Effective responses must sit within a broader, integrated framework that includes:

- implementation of national and state anti-racism strategies,
- investment in multicultural and community infrastructure,
- education, prevention and early-intervention measures,
- sustained interfaith and intercultural dialogue, and
- investment in further research on the drivers of and strategies that mitigate hate and violence.

CRIS urges the Committee to adopt a balanced, evidence-based approach that strengthens community safety while preserving democratic freedoms and long-term social cohesion.

It would also be prudent to await the outcomes of the proposed federal legislation on combating hate and extremism before further consideration of state-based legislation, to ensure consistency and efficacy and avoid redundancy.

2. About CRIS

The Centre for Resilient and Inclusive Societies (CRIS) is a consortium of academic institutions, policy organisations, and community partners that collaborates to address racism, extremism, social exclusion, and threats to social cohesion through research, policy development, and community engagement.

CRIS brings together expertise across multicultural affairs, counter-extremism, human rights, education, community development and public policy. Consortium members have decades of experience working with



governments and communities to promote inclusion, resilience, democratic participation and countering violent extremism.

3. Context for the Inquiry

The Committee’s terms of reference reflect heightened concern about public expressions that intimidate communities or signal threats of violence, particularly in the context of recent acts of terrorism, international conflicts, and polarising protest activity.

CRIS acknowledges:

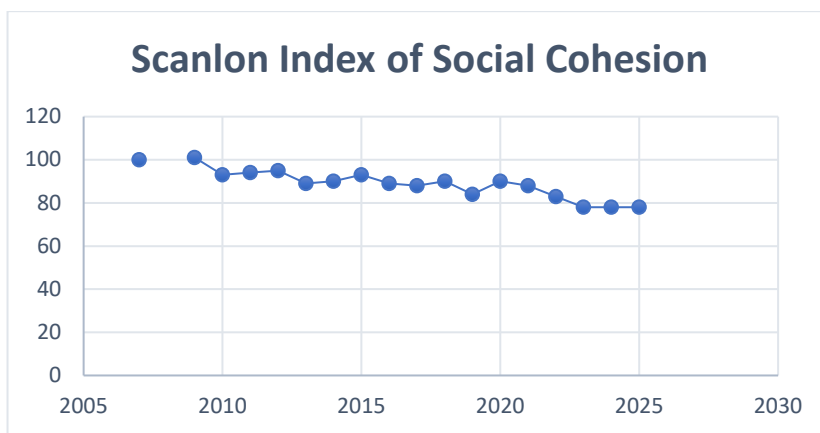
- the distress experienced by targeted communities,
- the responsibility of governments to maintain public order and safety, and
- the need to ensure that public spaces do not become environments of fear.

However, the inquiry also sits within a complex legal and social context that requires careful consideration of:

- existing and proposed criminal, civil and anti-vilification laws,
- constitutional protections for political communication, and
- Australia’s international human rights obligations.

A Narrow Response Risks Failure

The Bondi attack has rightly focused national attention on antisemitism and community safety. However, the broader evidence base shows that racism and negative dispositions toward a range of communities are, to put it mildly, problematic. Further, the Scanlon Foundation Research Institute’s (SFRI) Scanlon-Monash Index (SMI)¹ of Social Cohesion has shown a gradual but overall decline since its first survey in 2007, as illustrated below.



SFRI’s 2025 Mapping Social Cohesion Survey also identified the following positive and negative attitudes toward various immigrants and religious faiths, noting rising negative attitudes across most groups in recent years.

Select Countries and Faiths	% of adults with a negative attitude 2023	% of adults with a negative attitude 2024	% of adults with a negative attitude 2025
UK	N/A	4	4
USA	N/A	12	18

¹ <https://scanloninstitute.org.au/research/mapping-social-cohesion/>



China	N/A	30	26
India	N/A	26	30
Iraq	N/A	35	38
Sudan	N/A	39	43
Buddhist	4	4	4
Hindus	10	13	14
Jews	9	13	15
Sikhs	12	14	16
Christians	16	19	18
Muslims	27	34	35
Select Countries and faiths	% of adults with a positive attitude 2023	% of adults with a positive attitude 2024	% of adults with a positive attitude 2025
UK	N/A	61	61
USA	N/A	50	46
China	N/A	29	32
India	N/A	33	31
Iraq	N/A	22	20
Sudan	N/A	20	18
Buddhist	50	44	46
Hindus	33	26	26
Jews	38	30	29
Sikhs	33	26	27
Christians	42	37	38
Muslims	24	17	16

While any negative measure for any cohort is problematic and requires serious, equal attention, and while hierarchy should be avoided, the following crude measure of net positive/negative nevertheless provides an indication of the extent of the problems society faces.

Select Countries/Faiths	Net positive/negative
UK	+57
USA	+28
China	+6
India	+1
Iraq	-18
Sudan	-25
Buddhist	+42
Hindus	+12
Jews	+14
Sikhs	+11
Christians	+20
Muslims	-19

Further, when governments, institutions, and organisations respond narrowly—through security-only measures or single-community lenses—unintended consequences can arise, such as harm being displaced rather than reduced. Prejudice migrates, grievances deepen, and extremist narratives find new oxygen.



The policy challenge is therefore not whether to strengthen our measures to tackle antisemitism (we clearly need to), but how to do so within an integrated, systemic framework that addresses underlying issues relating to all forms of racism, including Islamophobia, anti-Asian and anti-Black racism, and the broader drivers of hate and radicalisation.

Furthermore, a response dominated by security powers, speech bans, and protest restrictions—without a strong and well-resourced multicultural and anti-racism spine or underpinning—may create a sense of a stand being taken, yet may increase long-term grievances and polarisation if not complemented by robust whole-of-system strategies, including multicultural and prevention approaches. That is not hypothetical; it is historically predictable. The opportunity now is to convert justified urgency into coherence—and response into sustainable, effective, systemic reform that addresses the complexity of the issue.

4. Existing Legal Framework

4.1 New South Wales, Victorian and Commonwealth Law

NSW already has a range of legislative mechanisms addressing:

- threats and intimidation,
- public order offences,
- incitement to violence,
- hate crimes and aggravated offences.

Victoria has recently replaced its Racial and Religious Tolerance Act 2001 with the *Anti-Vilification and Social Cohesion Act (2025)*, which prohibits public conduct that incites hatred or ridicule on the basis of race or religion.

At the Commonwealth level, Australia is bound by international human rights instruments, including the *International Covenant on Civil and Political Rights*, which recognises freedom of expression while prohibiting advocacy of hatred that constitutes incitement to discrimination, hostility, or violence.

CRIS notes that the existence of these instruments underscores the need for precision and justification when proposing additional prohibitions. New laws should address clearly identified gaps, rather than duplicate or symbolically expand existing powers.

To reiterate a previous point, given the proposed federal legislation (Combating Antisemitism, Hate and Extremism Bill), it would also be prudent to wait for its outcome before proceeding with state-based legislation, to ensure consistency and efficacy and avoid redundancy.

5. International and Comparative Approaches

Internationally, jurisdictions have adopted **threshold-based approaches** rather than blanket bans on specific phrases. Key lessons include:

- the importance of **intent** and **context** in determining criminal liability;
- the application of a **reasonable person test** to assess whether conduct is threatening or intimidating (considering a reasonable person with the protected attribute, as in the Victorian anti-vilification legislation);
- safeguards to ensure legitimate political expression and protest are protected.

Jurisdictions such as the United Kingdom and parts of Europe have criminalised conduct that stirs up hatred or violence while explicitly preserving space for lawful dissent. The laws in the UK, particularly, have been critiqued for possible restrictions on the right to peaceful dissent. These approaches reinforce the need for carefully framed legal tests rather than lists of prohibited words or slogans.



6. Freedom of Expression and Democratic Safeguards

Freedom of expression is essential to democratic accountability, political participation and social progress. It includes:

- criticism of government policy,
- advocacy for political or social change,
- peaceful protest, even where views are unpopular or confronting (as long as they don't cross the threshold of existing criminal conduct (e.g. unlawful incitement or hate speech)).

CRIS is concerned that **overly broad or vague prohibitions** on slogans or speech could:

- limit legitimate political expression,
- undermine public confidence in the rule of law,
- create enforcement challenges or perceptions of inconsistency,
- be misused in future political contexts to suppress dissent.

The intent of current legislative proposals may be well-intentioned and responsive to genuine community harm. However, laws endure beyond their immediate context. The Committee should therefore consider not only how powers will be used today, but how they could be used or misused in the future.

7. Risks of Phrase-Based Prohibitions

Prohibiting specific slogans in isolation carries inherent risks:

- **Symbolic impact without behavioural change:** Harmful ideas often shift language rather than disappear.
- **Ambiguity and enforcement difficulties:** Meaning can vary by context, language and audience. Police need clear, workable laws. Ambiguous speech offences place them in an untenable position and increase the risk of inconsistent enforcement, which, in turn, can undermine the public's confidence in their objectivity and willingness to trust and collaborate.
- **Divergent or unclear interpretation:** While some slogans may be unambiguous in their meaning and ideological intent, many others are contested and ambiguous, with a range of possible interpretations; a blanket prohibition would curtail the opportunity to consider this ambiguity and allow for a balanced assessment of specific intent and meaning
- **Selective or inconsistent enforcement:** This can undermine trust and exacerbate social tensions.
- **Unintended amplification:** Banned slogans may gain notoriety and wider circulation.

CRIS submits that the focus should remain on **conduct and intent**, rather than on words alone. Because harmful movements adapt language quickly, focusing on behaviour and intent is more effective and more durable than chasing words.

8. Principles for Effective Legislative Design

If additional legislative measures are pursued, CRIS recommends that they be guided by the following principles:

1. **Clarity and Precision:** Laws should clearly define prohibited conduct as intentional intimidation or incitement to violence against identifiable communities.
2. **Contextual Assessment:** Assessment should consider location, timing, audience, historical usage and surrounding and/or subsequent conduct.
3. **Proportionality:** Penalties and enforcement mechanisms should be proportionate to the harm caused.
4. **Safeguards for Democratic Expression:** Explicit protections for lawful protest, debate and political communication should be embedded.
5. **Review and Oversight:** Independent monitoring and periodic review should assess effectiveness and unintended impacts.

9. Prohibition Alone Is Not Sufficient: The Need for Integrated Responses



CRIS strongly emphasises that legislative prohibition, while sometimes necessary, cannot by itself address the drivers of hatred, radicalisation or community fear. Sustainable community safety depends on embedding legal measures within a broader preventive, whole-of-society framework.

9.1 Multicultural and Anti-Racism Frameworks

CRIS highlights the critical importance of considering existing national strategies in a coherent and integrated manner. There are currently four substantive national reports, each developed following extensive public consultation. However, in practice, they are often considered separately and, in some cases, implemented in a fragmented or selective way, without sufficient regard for their broader policy alignment or interdependencies.

The four reports are:

- the national multicultural framework, *Towards Fairness*, which emphasises equity, participation and trust-building across institutions and communities;²
- the *National Anti-Racism Framework*, which adopts a whole-of-society approach to preventing racism through education, accountability and systemic reform;³
- the *Special Envoy's Plan to Combat Antisemitism*⁴; and
- the *Special Envoy's Plan to Combat Islamophobia*⁵.

In addition, the 2025 Victorian Multicultural Review, through its report *Rebuilding Trust*⁶, identified a range of longstanding systemic and specific issues and made recommendations relevant to social cohesion and institutional trust.

Taken together, these reports reflect overlapping concerns and consistent high-level policy objectives regarding safety, inclusion, and social cohesion. At the same time, CRIS recognises that some specific recommendations across these reports have attracted legitimate concern, including those that raise issues related to freedom of expression, civil liberties, or the risk of unintended consequences that could undermine social cohesion.

CRIS does not argue for the uncritical or wholesale adoption of all recommendations. Rather, we emphasise the importance of avoiding ad-hoc or siloed implementation that focuses on isolated measures while neglecting the broader policy architecture within which they were developed. A coherent approach — grounded in human rights, democratic safeguards and evidence — is more likely to deliver durable outcomes and maintain public trust.

Ultimately, these frameworks should be considered collectively and on an ongoing basis, with appropriate scrutiny and safeguards, to ensure that all Australians can live safely and participate fully in society. No one should feel unsafe because of their skin colour, faith, gender, sexuality or any other attribute.

9.2 Local and Community-Led Initiatives

Local initiatives are essential for translating national principles into lived outcomes. This includes:

- community-led education programs,
- strengthening the role of, and engagement with, local government,
- early intervention initiatives,
- support for culturally competent service delivery.

² <https://www.homeaffairs.gov.au/multicultural-framework-review/Documents/report-summary/multicultural-framework-review-report-english.pdf>

³ <https://humanrights.gov.au/resource-hub/by-resource-type/reports/race/anti-racism-framework>

⁴ <https://www.aseca.gov.au/>

⁵ <https://www.oseci.gov.au/>

⁶ <https://www.vic.gov.au/victorias-multicultural-review>



Communities that feel seen, heard, and supported are less susceptible to polarisation and extremist narratives and more willing to trust, liaise with, and collaborate with government and authorities.

9.3 Interfaith and Intercultural Dialogue

Interfaith and intercultural engagement plays a vital role in:

- reducing misinformation and fear,
- humanising “the other”,
- providing a communication platform to prevent, mitigate or de-escalate tensions during periods of crises or heightened conflict.

Investment in dialogue platforms and trusted intermediaries strengthens social cohesion before crises occur.

9.4 Building Community Infrastructure

Community organisations, multicultural networks and peak bodies are often the first responders to social tension. Strengthening this infrastructure improves:

- early warning and reporting,
- crisis response,
- investment and resourcing,
- long-term resilience.

But as previously noted, trust and transparency are critical to achieving the best outcomes.

9.5 Given current tensions in social cohesion, what should we do now?

Communities want safety, yes — but they also want and require fairness, consistency, trust and rights. Overreach can damage all three. Poorly designed laws can appear strong in the short term but ultimately weaken trust, consistency, and fairness, which ultimately makes communities less safe, not more. CRIS believes that balance is achievable — if done carefully. Proportionate legal tools matter, but they work best when combined with evidentiary-based prevention, education and community resilience.

We’re living through global instability, foreign interference, economic changes, a polarised information environment, and mis- and disinformation. Overseas conflicts don’t stay overseas — they land in our suburbs via social media, headlines, and family ties and community grievances.

Australia’s success has always rested on bipartisan leadership that refuses to weaponise identity for short-term gain. Right now, we need to:

- Implement existing anti-racism and multicultural frameworks
- Reaffirm shared values: democracy, fairness, respect, rule of law
- Call out and address racism and extremism early — not after damage is done
- invest in community infrastructure, including in intercultural and interfaith dialogue
- Strengthen trust between institutions and communities.

Law enforcement alone won’t fix a social problem.

10. The Cost of Inaction

Failing to invest in inclusion and cohesion will lead to rising social and economic costs.

Division, mistrust, and disengagement, which have been gaining momentum, will undermine civic trust, unity, and productivity. If left unaddressed, these fractures will deepen — causing further polarisation, reduced public confidence, and a weaker shared identity.



The expense of rebuilding cohesion later will far surpass the cost of maintaining and strengthening it now.

The investments required are modest compared with expenditure in defence, transport, health, education and other major portfolios, and the returns are long-term and preventive.

Australia's debt-to-GDP ratio remains among the lowest in the OECD, and we are among the few countries with the highest credit ratings. We have fiscal room to invest wisely.

11. Conclusion

When language is deliberately used to intimidate communities or incite violence, it moves beyond abstract speech and becomes a real community safety issue. Governments are right to take this seriously, and proportionate action is justified.

However, freedom of expression — including political protest and dissent — is fundamental to our democracy. While not absolute, laws that restrict speech must be carefully designed. Blunt or vague bans can have unintended consequences, be misused, be inconsistently enforced, or suppress legitimate expression, undermining trust and cohesion. Careful design at the outset avoids years of legal challenges and community division later.

That's why the focus should be on a balanced assessment of intent and harm, not on chasing particular words or slogans. Harmful movements adapt language quickly; if you legislate vocabulary, you'll always be one step behind. Targeting behaviour — intimidation, threats, incitement — is more effective and more durable.

Importantly, prohibition alone won't make communities safer. It has to sit within a broader framework: implementing anti-racism strategies, strengthening multicultural policies and programs, investing in local community infrastructure, and supporting interfaith and intercultural dialogue. These measures reduce the conditions that allow hatred to take hold. Without an integrated approach, prohibition risks treating symptoms rather than causes.

The real challenge isn't choosing between safety and freedom — it's designing responses that protect both, now and into the future.

CRIS encourages the Committee to adopt a balanced pathway that enhances community safety, protects democratic freedoms, and strengthens long-term social cohesion.

Social cohesion and safety are not achieved through guidelines or slogans; they are built through consistent action, fairness in opportunity, and the everyday practice of respect and robust democratic deliberation. It must also be ongoing and evolve over time as societies change and new challenges emerge.

The challenge isn't whether to act — it's how to act without undermining the democracy we're trying to protect.

Contact

Isabel FitzGerald

Senior Coordinator, Centre for Resilient and Inclusive Societies

www.crisconsortium.org