

Committee on Law and Safety



LEGISLATIVE  
ASSEMBLY

# Measures to prohibit slogans that incite hatred



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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".



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# Membership

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## Chair's foreword

On 14 December 2025, two gunmen committed a devastating terror attack during a Hanukkah celebration at Bondi Beach. Fifteen innocent people were killed and more than 40 others were injured in a horrific act of violence that directly targeted the Jewish community in NSW.

Antisemitic violence does not begin with events such as the Bondi attack, it begins with hateful language that may ultimately encourage others to commit violent acts. Following the Bondi attack, the NSW Government announced a range of reforms aimed at protecting NSW communities, including legislation to significantly tighten gun laws and ban hateful symbols. The Attorney General also asked this Committee to inquire into measures to prohibit slogans that incite hatred. Specifically, the referral asked us to look at the threat that slogans like 'globalise the intifada' pose to NSW communities.

During this inquiry, we heard that there has been a rise of antisemitic rhetoric and incidents since October 2023. Many stakeholders considered the Bondi attack to be a culmination of this rise in antisemitism. We also heard that, for Jewish Australians, the term 'intifada' cannot be separated from its history of violence against Jewish people. Stakeholders explained that, due to the history of the term, calls to 'globalise the intifada' are understood and experienced as an incitement of this violence on a broader scale.

For this reason, the Committee's key recommendation is that the NSW Government consider legislation to proscribe the phrase 'globalise the intifada'. We acknowledge that this phrase has diverse meanings and uses. However, we believe that the use of this phrase may directly inspire the kind of violence associated with its history. Proscribing the phrase will put beyond doubt that the chanting of this phrase in public is unacceptable. It will make it clear that there is no place for hate speech in our society.

In making this recommendation, we acknowledge the importance of safeguarding political communication. We are of the view that any new legislation should strike the right balance between protecting communities from harm and protecting legitimate political expression. For this reason, the Committee has recommended a range of steps that should be taken in framing any potential legislation.

In closing, I would like to thank all of the organisations, subject matter experts and individuals who took the time to make a submission to this inquiry. While the Committee was only able to publish submissions from organisations and subject matter experts, due to the short timeframe for this inquiry, we considered all submissions, and appreciate the input that we received from all stakeholders on these important issues.

I also thank my fellow Committee members and Committee staff for their hard work and contributions to this important inquiry.

**Edmond Atalla MP**

Chair

# Findings and recommendations

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That, if the proscription is legislated, an independent review of the relevant legislative provisions is undertaken, as soon as possible after 12 months from commencement, to determine whether the terms remain appropriate for securing the stated policy objectives. A report on the outcome of the review is to be tabled in Parliament..... 26



# Chapter One – Escalating threats to community safety

## Summary

This chapter outlines the current NSW context, and how recent events have created a need for laws to protect communities from words or slogans that threaten, intimidate or incite hatred.

## Recent events in NSW

- 1.1 On 14 December 2025, during a celebration of Hanukkah, 15 innocent people were killed and over 40 people were injured in a devastating terrorist attack at Bondi Beach.
- 1.2 In response to the attack, the NSW Government announced a range of reforms, including legislation to significantly tighten gun laws and temporarily restrict public assemblies following a terrorist attack.<sup>1</sup> The NSW Premier Chris Minns also stated his intention to ban the phrase 'globalise the intifada', noting that 'there is no place in New South Wales for slogans or symbols that incite hatred, glorify violence or intimidate communities.'<sup>2</sup>
- 1.3 On 22 December 2025, the NSW Attorney General referred an inquiry to the Legislative Assembly Committee on Law and Safety to request that it inquire into and report on measures that can be taken to prohibit the public use of slogans that incite hatred. In particular, the proposed Terms of Reference stated that the Committee should consider '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'.
- 1.4 The referral stated that 'the Committee should consult with relevant stakeholders and report to Parliament by 31 January 2026'.

## The rise of antisemitism

- 1.5 The Committee received submissions from a number of stakeholders that noted an escalation of antisemitic hatred and anti-Jewish incidents in NSW, and Australia more broadly, since the Hamas-led terrorist attack on 7 October 2023.<sup>3</sup>

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<sup>1</sup> NSW Government, [NSW Government to introduce toughest gun law reforms in a generation](#), media release, 19 December 2025, accessed 24 January 2026.

<sup>2</sup> NSW Government, [NSW Government to crack down further on hateful symbols and slogans](#), media release, 20 December 2025, accessed 24 January 2026.

<sup>3</sup> [Submission 4](#), Alliance Against Islamophobia, p 22; [Submission 48](#), Jewish Action Zionist Brisbane, p 1; [Submission 90](#), HAZAK, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 1; [Submission 103](#), Northern Rivers Jewish Community Association, p 4; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 2.

Some stakeholders suggested that there has been an increasing normalisation of antisemitism.<sup>4</sup>

- 1.6 In delivering ASIO's 2025 Annual Threat Assessment, the Director-General of Security, Mike Burgess, observed:
- Anti-Semitism festered in Australia before the tragic events in the Middle East [of 7 October 2023], but the drawn out conflict gave it oxygen – and gave some anti-Semites an excuse. Jewish Australians were also increasingly conflated with the state of Israel, leading to an increase in anti-Semitic incidents.<sup>5</sup>
- 1.7 Many stakeholders considered the terror attack at Bondi Beach, which specifically targeted a Hanukkah celebration, to be a culmination of this escalation in antisemitism.<sup>6</sup>
- 1.8 Across the political spectrum, a number of submissions acknowledged the fear felt by Jewish communities in the wake of the attack.<sup>7</sup> The Committee heard that antisemitism in Australia is real, persistent and must be addressed.<sup>8</sup>
- 1.9 We also heard that antisemitic rhetoric, including slogans, phrases and/or symbols, makes up a large part of antisemitic behaviour,<sup>9</sup> and contributes to the normalisation of this behaviour.<sup>10</sup>
- 1.10 For example, the Executive Council of Australian Jewry reported 1,654 antisemitic incidents between 1 October 2024 and 30 September 2025. Forty-five per cent of these antisemitic incidents involved graffiti (defined as 'hate words and/or symbols') or posters (including banners with hateful chants and slogans).<sup>11</sup> Some of these slogans are discussed in more detail below.

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<sup>4</sup> [Submission 75](#), Online Hate Prevention Institute, p 3; [Submission 89](#), Catholic Archdiocese of Sydney, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 1; ; [Submission 142](#), Executive Council for Australian Jewry, p 2.

<sup>5</sup> Director-General of Security, Australian Security Intelligence Organisation, Mike Burgess AM, '[Director-General's Annual Threat Assessment 2025](#)', 19 February 2025, cited in [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 8.

<sup>6</sup> [Submission 19](#), Australia Israel and Jewish Affairs Council, p 1; [Submission 23](#), Zionist Council of NSW, p 5; [Submission 84](#), Youth HEAR, p 2; [Submission 90](#), HAZAK, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 1; [Submission 119](#), Dr Josh Roose, pp 10-11; [Submission 147](#), Jewish Centre for Law and Justice, p 1;

<sup>7</sup> [Submission 13](#), Shoalhaven Friends of Palestine, p 5; [Submission 18](#), The Law Society of New South Wales, p 1; [Submission 45](#), Australian Democracy Network, p 1; [Submission 65](#), Greens for Palestine, p 4; ; [Submission 123](#), Dr Jordana Silverstein, p 4.

<sup>8</sup> [Submission 17](#), Palestinian Christians in Australia, p 1; [Submission 90](#), HAZAK, p 8; [Submission 99](#), Australian Academic Alliance Against Antisemitism Ltd, p 13; [Submission 103](#), Northern Rivers Jewish Community Association, p 4.

<sup>9</sup> [Submission 70](#), Australasian Union of Jewish Students, p 3; [Submission 142](#), Executive Council of Australian Jewry, p 2; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism (ASECA), pp 2, 9; [Submission 147](#), Jewish Centre for Law and Justice, p 2.

<sup>10</sup> [Submission 119](#), Dr Josh Roose p 3; [Submission 137](#), Institute for the Study of Global Antisemitism and Policy (ISGAP), p 2.

<sup>11</sup> [Submission 142](#), Executive Council of Australian Jewry, p 3.

## The use and meaning of the phrase 'globalise the intifada'

### Finding 1

The word 'intifada' is used to describe periods of Palestinian protest and uprising against Israel. This includes the Second Intifada, which was characterised by violence. The slogan 'globalise the intifada' may therefore be perceived to incite violence against Jewish people on a broader scale.

### Recommendation 1

That the NSW Government consider legislation to proscribe the phrase 'globalise the intifada' (and any substantially similar wording) to clarify that the chanting of this phrase in a public place is unlawful.

### The term 'intifada' has a complex history

- 1.11 The Committee heard that the term 'intifada' has a complex history, that includes both violent<sup>12</sup> and non-violent meanings.<sup>13</sup> The word comes from Arabic, and can be directly translated as 'to shake off', 'to rise' or 'to cast off a burden'.<sup>14</sup> Historically, it has been used to describe a range of events and movements, including mass protests and popular uprisings.<sup>15</sup>
- 1.12 Organisations and subject matter experts who supported proscribing the phrase drew attention to the term's violent history.<sup>16</sup> A range of stakeholders explained that the term is mainly used in the Palestinian context to describe two periods of uprising: the First Intifada (1987-1990) and the Second Intifada (2000-2005).<sup>17</sup>

### What are the First and Second Intifadas?

The First and Second Intifadas describe two periods of conflict between Palestinians and Israelis.

<sup>12</sup> [Submission 75](#), Online Hate Prevention Institute, pp 6-7; [Submission 70](#), Australasian Union of Jewish Students, pp 3-4; [Submission 84](#), Youth HEAR, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 4.

<sup>13</sup> [Submission 65](#), Greens for Palestine, pp 2-3; [Submission 91](#), University of Sydney Students' Representative Council (SRC), pp 7-8; [Submission 124](#), Dr Andrew Broks, p 1; [Submission 129](#), Ms Sue Higginson, p 4.

<sup>14</sup> See, for example: [Submission 8](#), Professor Halim Rane, p 1; [Submission 26](#), Australian National Imams Council (ANIC), p 4; [Submission 28](#), NSW Council for Civil Liberties, p 4; [Submission 40](#), Jewish Voices of Inner Sydney, p 6; [Submission 46](#), Jewish Council of Australia, p 2; [Submission 64](#), Arab Theatre Studio, p 2; [Submission 95](#), Australian Muslim Advocacy Network, p 4; [Submission 125](#), Ms Sheryn Omeri KC, p 4.

<sup>15</sup> [Submission 8](#), Professor Halim Rane, p 1; [Submission 40](#), Jewish Voices of Inner Sydney, p 6; [Submission 98](#), LRSJ Protest Hub, pp 6-7; [Submission 91](#), University of Sydney Students' Representative Council (SRC), pp 7-8; [Submission 107](#), Mr Maher Mughrabi, pp 1-2; [Submission 123](#), Dr Jordana Silverstein, p 2.

<sup>16</sup> [Submission 19](#), Australian Israel and Jewish Affairs Council, p 2; [Submission 23](#), Zionist Council of NSW, p 1; [Submission 70](#), Australasian Union of Jewish Students, pp 3-4; [Submission 84](#), Youth HEAR, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism Ltd, p 4.

<sup>17</sup> [Submission 8](#), Professor Halim Rane p 2; [Submission 51](#), Palestine Action Group, pp 3-5; [Submission 62](#), CPSU Rank and File, pp 2-3; [Submission 91](#), University of Sydney Students' Representative Council, pp 7-8; [Submission 99](#), Australian Academic Alliance Against Antisemitism Ltd, p 4; [Submission 107](#), Mr Mahler Mughrabi, pp 1-3; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 7.

The First Intifada (1987-1990) was a Palestinian uprising against Israel's occupation of the West Bank and Gaza strip. It was characterised by strikes, mass demonstrations and other opposition, as well as violence.

The Second Intifada (2000-2005) was significantly more violent than the first. It included both civilian protest and military conflict. During this period there were high numbers of suicide bombings that targeted public places and transport.

- 1.13 The Committee heard that there was violence on both sides of these conflicts.<sup>18</sup> However, a number of submission authors explained that the Second Intifada was marked by acts of extreme violence against Israeli citizens.<sup>19</sup> This included suicide bombings and stabbings in public spaces.<sup>20</sup> These attacks resulted in a significant loss of life and widespread public fear.<sup>21</sup>
- 1.14 Stakeholders told us that these conflicts directly impacted Jewish Australians.<sup>22</sup> We heard that some Jewish Australians were present, and others lost family and friends.<sup>23</sup> As the Australasian Union of Jewish Students explained, 'these periods are remembered not as distant political milestones, but as times when ordinary routines were overshadowed by constant fear and the anticipation of sudden violence'.<sup>24</sup>

#### The phrase 'globalise the intifada' is perceived as an incitement to violence

- 1.15 Submissions supporting the ban highlighted that, for Jewish Australians, the term 'intifada' cannot be separated from this history of violence against Jewish people.<sup>25</sup> Stakeholders explained that, due to the history of the term, calls to 'globalise the intifada' are understood and experienced as an incitement of this violence on a broader scale.<sup>26</sup>

<sup>18</sup> [Submission 38](#), Mission of Hope, p 5; [Submission 51](#), Palestine Action Group, pp 3-5; [Submission 59](#), Arabic Friends of Labour, p 5; [Submission 62](#), CPSU Rank & File 4 Palestine, pp 2-3; [Submission 64](#), Arab Theatre Studio, pp 2-3; [Submission 80](#), Jews Against the Occupation '48, pp 2-3; [Submission 107](#), Mr Maher Mughrabi, pp 1-2.

<sup>19</sup> [Submission 52](#), Australian Jewish Association, p 2; [Submission 75](#), Online Hate Prevention Institute, pp 6-7; [Submission 99](#), Australian Academic Alliance Against Antisemitism Ltd, p 4; [Submission 142](#), Executive Council of Australian Jewry, p 10; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 7; [Submission 146](#), NSW Jewish Board of Deputies, p 8.

<sup>20</sup> [Submission 52](#), Australian Jewish Association, p 2; [Submission 70](#), Australian Union of Jewish Students, pp 3-4; [Submission 75](#), Online Hate Prevention Institute, pp 6-7.

<sup>21</sup> [Submission 52](#), Australian Jewish Association, p 2; [Submission 70](#), Australian Union of Jewish Students, pp 3-4; [Submission 75](#), Online Hate Prevention Institute, pp 6-7; [Submission 144](#), Australia's Special Envoy to Combat Terrorism, p 7.

<sup>22</sup> [Submission 70](#), Australasian Union of Jewish Students, p 6; [Submission 99](#), Australian Academic Alliance Against Antisemitism Ltd, pp 4-5; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 7.

<sup>23</sup> [Submission 70](#), Australasian Union of Jewish Students, p 7; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 7.

<sup>24</sup> [Submission 70](#), Australasian Union of Jewish Students, p 6.

<sup>25</sup> [Submission 19](#), Australian Israel and Jewish Affairs Council, p 3; [Submission 23](#), Zionist Council of NSW, p 1; [Submission 52](#), Australian Jewish Association, p 2; [Submission 84](#), Youth HEAR, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 4; [Submission 137](#), Institute for the Study of Global Antisemitism and Policy, p 4; [Submission 146](#), NSW Jewish Board of Deputies, p 8; [Submission 147](#), Jewish Centre for Law and Justice Ltd, p 2.

<sup>26</sup> [Submission 19](#), Australia Israel & Jewish Affairs Council (AIJC), p 3; [Submission 52](#), Australian Jewish Association, p 2; [Submission 70](#), Australasian Union of Jewish Students, p 6; [Submission 75](#), Online Hate Prevention Institute, p 8;

- 1.16 As the Executive Council of Australian Jewry told the Committee, the phrase is associated with periods that were:
- ... marked by widespread violence by Palestinians against Israelis, including suicide bombings, shootings and stabbings targeting Israeli civilians on city buses, in restaurants, shopping malls and nightclubs... The slogan is widely interpreted as a call to replicate such violence against Jews and Jewish institutions worldwide.<sup>27</sup>
- 1.17 Similarly, the NSW Jewish Board of Deputies explained that the phrase is a call 'to bring the sort of death and destruction by way of acts of terrorism... that marked the second intifada between 2000 and 2005 in Israel to the streets of Sydney'.<sup>28</sup>
- 1.18 Stakeholders also told us that the unchecked use of 'globalise the intifada' can contribute to the normalisation of antisemitism, as discussed above, and lead to violence against Jewish people.<sup>29</sup> Some were particularly concerned that it could directly lead to the harm of Jewish Australians by encouraging change through violent resistance.<sup>30</sup> This is because the slogan explicitly references a movement that included violence against civilians.<sup>31</sup>
- 1.19 Additionally, stakeholders noted that the use or acceptance of the phrase can make Jewish Australians feel unsafe or excluded from public spaces.<sup>32</sup> For example, the Jewish organisation HAZAK told the Committee that frequent use of the phrase 'globalise the intifada' 'signals to Jewish Australians that the public sphere is unsafe for them'. As a result, Jewish Australians may 'self-exclude from the CBD, universities, and arts festivals to avoid harassment'.<sup>33</sup>
- 1.20 Political sociologist Dr Josh Roose acknowledged that many individuals using the phrase are not 'consciously' endorsing violence. However, because the phrase draws on a well-established violent history that results in 'intimidation, exclusion, and the erosion of inter-communal trust',<sup>34</sup> use of the phrase may make Jewish Australians feel unsafe participating in public life.

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[Submission 99](#), Australian Academic Alliance Against Antisemitism Ltd, p 4; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 8.

<sup>27</sup> [Submission 142](#), Executive Council of Australian Jewry, p 10.

<sup>28</sup> [Submission 146](#), NSW Jewish Board of Deputies, p 8.

<sup>29</sup> [Submission 19](#), Australia Israel and Jewish Affairs Council, p 3; [Submission 23](#), Zionist Council of NSW, pp 1-2; [Submission 48](#), Jewish Action Zionist Brisbane, p 1; [Submission 52](#), Australian Jewish Association, p 2; [Submission 84](#), Youth HEAR, p 2; [Submission 90](#), HAZAK, p 2; [Submission 142](#), Executive Council of Australian Jewry, pp 13-14; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 2.

<sup>30</sup> [Submission 47](#), Hindu Council of Australia, p 1; [Submission 52](#), Australian Jewish Association, p 2; [Submission 84](#), Youth HEAR, p 2; [Submission 90](#), HAZAK, p 2; [Submission 147](#), Jewish Centre for Law and Justice, p 2.

<sup>31</sup> [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 4; [Submission 119](#), Dr Josh Roose, p 8; [Submission 146](#), NSW Jewish Board of Deputies, p 8; [Submission 147](#), Jewish Centre for Law and Justice, p 2.

<sup>32</sup> [Submission 70](#), Australasian Union of Jewish Students, p 4; [Submission 90](#), HAZAK, p 4; [Submission 119](#), Dr Josh Roose, p 6.

<sup>33</sup> [Submission 90](#), HAZAK, p 4.

<sup>34</sup> [Submission 119](#), Dr Josh Roose, p 6.

## 1.21 As Dr Roose explained:

Recognising this dynamic does not require equating protestors with historical perpetrators of atrocity; it requires acknowledging the risks inherent in rhetorical strategies that obscure their own violent implications.<sup>35</sup>

1.22 The Committee acknowledges that the term 'intifada' has a complex history and that it has not been used exclusively, or in isolation, as an incitement to violence. However, in the wake of the attack on Bondi, and rising antisemitism more broadly, the threat context has changed. The Committee is of the view that proscribing public chants to 'globalise the intifada' would recognise the violent history associated with this phrase, and the way in which such calls may impact the perceived safety of the Jewish community in NSW.

1.23 We also recommend proscribing substantially similar phrases to ensure that individuals do not use minor wording changes to circumvent arrest, where the meaning of those phrases is otherwise understood.

**Opposition to banning the phrase**

1.24 The Committee received a significant number of submissions that opposed the NSW Government's proposal to ban the phrase 'globalise the intifada'. This included submissions from individuals, the majority of whom opposed a ban.

1.25 A number of stakeholders drew attention to the non-violent meaning of the phrase, noting that 'globalise the intifada' is commonly understood as a call for peaceful global solidarity and/or opposition to Israel's violations of international law.<sup>36</sup> Many submitted that the use of this phrase is legitimate political expression.<sup>37</sup>

1.26 Submissions that opposed proscribing the phrase raised similar concerns, including:

- the potential for proscription of the phrase to restrict freedom of speech<sup>38</sup>

<sup>35</sup> [Submission 119](#), Dr Josh Roose, p 6.

<sup>36</sup> [Submission 51](#), Palestine Action Group Sydney, p 1; [Submission 54](#), New England Greens, p 1; [Submission 55](#), Federation of Italian Migrant Workers and their Families, p 1; [Submission 56](#), Arab Council Australia, p 3; [Submission 59](#), Arabic Friends of Labor, p 5; [Submission 64](#), Arab Theatre Studio, p 2; [Submission 65](#), Greens for Palestine (NSW), p 1; [Submission 66](#), Free Palestine Townsville, pp 3-4; [Submission 68](#), Institute for the Critical Study of Zionism, pp 1-2; [Submission 72](#), Australia Palestine Advocacy Network, pp 5-6; [Submission 80](#), Jews Against the Occupation '48, p 2; [Submission 83](#), Australia Forum Inc, p 5; [Submission 97](#), Professor Ben Saul, pp 4-5; [Submission 110](#), Dr Julie Macken, p 1; [Submission 112](#), Dr Helen McCue, p 1; [Submission 128](#), The Hon Amanda Fazio, p 1.

<sup>37</sup> [Submission 13](#), Shoalhaven Friends of Palestine, p 11; [Submission 83](#), Australia Forum Inc, p 5; [Submission 122](#), Dr Astrid Lorange, p 3; [Submission 145](#), Cultural Media, p 1.

<sup>38</sup> [Submission 51](#), Palestine Action Group Sydney, p 9; [Submission 60](#), Community Industry Group, p 3; [Submission 65](#), Greens for Palestine (NSW), p 1; [Submission 73](#), Sydney Friends of Standing Together, p 3; [Submission 85](#), Amnesty International Australia, p 6; [Submission 91](#), University of Sydney Students' Representative Council (SRC), p 2; [Submission 107](#), Mr Maher Mughrabi, p 7; [Submission 113](#), Dr David Brophy, p 1; [Submission 141](#), ActionAid Australia, p 1; [Submission 154](#), Labor Friends of Palestine, p 5.

- the singling out of an Arabic phrase, which may impact communities' freedom of speech in a discriminatory way<sup>39</sup>
- that importance of context in determining the meaning of the phrase<sup>40</sup>
- the focus on a phrase that had rarely been used in Australia before the proposal to proscribe its use.<sup>41</sup>

1.27 In addition to the points above, some stakeholders explained that proscribing the phrase may increase social tensions or division.<sup>42</sup> For example, the Jewish Council argued that the ban could 'lead to more polarisation and discrimination', which has the potential to impact the safety of all communities.<sup>43</sup>

1.28 Submission authors also expressed concern that the attack on Bondi Beach had been conflated with pro-Palestinian protests and the Palestine solidarity movement.<sup>44</sup> Stakeholders noted that there was no clear evidence to connect the phrase 'globalise the intifada' to the events at Bondi,<sup>45</sup> and no evidence that banning it would help protect NSW communities.<sup>46</sup>

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<sup>39</sup> [Submission 50](#), Muslim Legal Network, pp 3-5; [Submission 62](#), CPSU Rank and File 4 Palestine, p 3; [Submission 63](#), The University of New South Wales Student Representative Council, p 1; [Submission 71](#), Democracy in Colour, p 2; [Submission 72](#), Australian Palestine Advocacy Network, p 4; [Submission 94](#), Diversity Arts Australia, p 4; [Submission 95](#), Australian Muslim Advocacy Network, p 4; [Submission 129](#), Ms Sue Higginson MLC, pp 3-4; [Submission 154](#), Labor Friends of Palestine, p 2.

<sup>40</sup> See, for example: [Submission 30](#), Barabirang Darug Tribal Governing Council, p 2; [Submission 34](#), Celebrate Palestine South West, p 1; [Submission 35](#), Coalition of Women for Justice and Peace, p 2; [Submission 38](#), Mission of Hope, p 3; [Submission 45](#), Australian Democracy Network, p 2; [Submission 49](#), Justice and Equity Centre, p 2; [Submission 56](#), Arab Council Australia, pp 3 and 5; [Submission 134](#), Dr Imogen Richards, p 6; [Submission 141](#), ActionAid Australia, p 1; [Submission 145](#), Cultural Media, p 1.

<sup>41</sup> [Submission 51](#), Palestine Action Group, p 3; [Submission 59](#), Arabic Friends of Labour, pp 5, 12; [Submission 65](#), Greens for Palestine (NSW), p 2; [Submission 80](#), Jews Against the Occupation '48, p 2; [Submission 117](#), Dr Nick Riemer, p 1; [Submission 129](#), Ms Sue Higginson MLC, p 3; [Submission 130](#), Ms Wendy Bacon, pp 3-4; [Submission 131](#), Ms Sawsan Madina, p 1; [Submission 133](#), Dr Ingrid Matthews, p 2; [Submission 135](#), Dr Maria O'Sullivan, p 8; [Submission 154](#), Labor Friends of Palestine, pp 1-2.

<sup>42</sup> [Submission 46](#), The Jewish Council of Australia, p 1; [Submission 58](#), Jews for a Free Palestine, p 1; [Submission 72](#), Australia Palestine Advocacy Network, p 7; [Submission 73](#), Sydney Friends of Standing Together, p 4; [Submission 74](#), Australian Arab Institute for Culture and Ideas, p 6; [Submission 94](#), Diversity Arts Australia, p 4; [Submission 109](#), Professor David Heilpern, p 1; [Submission 154](#), Labor Friends of Palestine, p 7.

<sup>43</sup> [Submission 46](#), The Jewish Council of Australia, p 4.

<sup>44</sup> See, for example: [Submission 13](#), Shoalhaven Friends of Palestine, p 2; [Submission 51](#), Palestine Action Group, p 9; [Submission 65](#), Greens for Palestine (NSW), p 4; [Submission 66](#), Free Palestine Townsville, pp 1-2; [Submission 78](#), The Muslim Vote, p 2; [Submission 91](#), University of Sydney Students' Representative Council (SRC), p 11; [Submission 124](#), Dr Andrew Brooks, p 1; [Submission 126](#), Dr Elyse Methven, pp 4-5; [Submission 140](#), Palestine Australia Relief and Action (PARA), p 2; [Submission 154](#), Labor Friends of Palestine, p 2.

<sup>45</sup> See, for example: [Submission 13](#), Shoalhaven Friends of Palestine, p 2; [Submission 33](#), PSA Unionists for Palestine, p 2; [Submission 62](#), CPSU Rank & File 4 Palestine, p 3; [Submission 64](#), Arab Theatre Studio, p 4; [Submission 66](#), Free Palestine Townsville, p 1; [Submission 69](#), Free Speech Union of Australia Limited, p 3; [Submission 109](#), Professor David Heilpern, p 1; [Submission 117](#), Dr Nick Riemer, p 1; [Submission 134](#), Dr Imogen Richards, p 6.

<sup>46</sup> [Submission 109](#), Professor David Heilpern, p 1; [Submission 69](#), Free Speech Union of Australia Limited, p 3; [Submission 41](#), Trans Justice Sydney, p 4.

## Other phrases and slogans referred to in submissions

*'From the river to the sea, Palestine will be free'*

- 1.29 Stakeholder submissions to this inquiry also referred to the chant 'from the river to the sea, Palestine will be free' and expressed a range of views as to its meaning.<sup>47</sup> The Committee understands that the meaning of this phrase is contested and, therefore, does not recommend its proscription.
- 1.30 Stakeholder submissions in favour of proscribing the slogan referred to its implicitly violent meaning.<sup>48</sup> The Institute for the Study of Global Antisemitism and Policy stated that, 'by specifically delineating the entire territory of the region, from the Jordan River to the Mediterranean Sea,' the phrase 'effectively calls for ethnic cleansing of Jews at minimum, and their genocide at maximum.'<sup>49</sup>
- 1.31 Alternatively, other submissions claimed that the slogan is an expression of solidarity and hope that Palestinians will one day live as equal citizens in the land between the River and the Sea.<sup>50</sup>
- 1.32 Some submissions noted that the slogan has historically been used by both Israelis and Palestinians, on both ends of the political spectrum, to claim the land 'from the river to the sea'.<sup>51</sup> Specifically, submissions pointed to the 2024 Canadian case of *University of Toronto (Governing Council) v Doe et al.* In that case, the court considered the range of positions that this slogan has been used to express, from exclusive sovereignty claims to calls for democracy and equal rights.<sup>52</sup>
- 1.33 Unlike 'globalise the intifada', it was noted that 'from the river to the sea' 'refers to conflict in the Middle East and is not at all directed towards communities in Australia'.<sup>53</sup>
- 1.34 The Committee also notes that 'from the river to the sea' has not yet been deemed to meet the threshold for prosecution under existing public order or

<sup>47</sup> [Submission 26](#), Australian National Imams Council (ANIC), p 4; [Submission 50](#), Muslim Legal Network, p 7; [Submission 52](#), Australian Jewish Association, p 2; [Submission 66](#), Free Palestine Townsville, p 3; [Submission 70](#), Australasian Union of Jewish Students, p 5; [Submission 72](#), Australia Palestine Advocacy Network, p 6; [Submission 77](#), Teachers and School Staff for Palestine, p 6; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 5-6; [Submission 108](#), Dr Finola Laughren, p 1; [Submission 111](#), Dr Anne Junor, p 1; [Submission 119](#), Dr Josh Roose, p 8-9; [Submission 130](#), Ms Wendy Bacon, pp 3-4; [Submission 135](#), Dr Maria O'Sullivan, p 3; [Submission 137](#), Institute for the Study of Global Antisemitism and Policy (ISGAP), p 5; [Submission 142](#), Executive Council of Australian Jewry, p 8.

<sup>48</sup> See eg. [Submission 52](#), Australian Jewish Association, p 2; [Submission 70](#), Australasian Union of Jewish Students, p 5; [Submission 137](#), Institute for the Study of Global Antisemitism and Policy (ISGAP), p 5.

<sup>49</sup> [Submission 137](#), Institute for the Study of Global Antisemitism and Policy (ISGAP), p 5.

<sup>50</sup> [Submission 40](#), Jewish Voices of Inner Sydney (JVOIS), p 6; [Submission 111](#), Dr Anne Junor, p 1; [Submission 124](#), Dr Andrew Brooks, p 2; [Submission 130](#), Ms Wendy Bacon, p 3.

<sup>51</sup> [Submission 66](#), Free Palestine Townsville, p 3; [Submission 77](#), Teachers and School Staff for Palestine NSW, p 6; [Submission 80](#), Jews Against the Occupation '48, p 4; [Submission 91](#), University of Sydney Students' Representative Council (SRC), p 9; [Submission 108](#), Dr Finola Laughren, p 1.

<sup>52</sup> [Submission 108](#), Dr Finola Laughren, p 1; [Submission 135](#), Dr Maria O'Sullivan, p 11.

<sup>53</sup> [Submission 130](#), Ms Wendy Bacon.

'stirring up hatred' offences in the United Kingdom.<sup>54</sup> This is discussed in more detail in Chapter Three.

*Other phrases and slogans*

1.35 Submissions also referred to a number of other phrases.<sup>55</sup> However, the Committee is of the view that the meaning of some of these phrases may be too ambiguous and, therefore, would not currently warrant proscription in NSW. Other phrases mentioned are so inherently hateful that they may fall within the existing provisions under sections 93ZAA and 93Z of the *Crimes Act 1900*. These provisions are outlined in more detail in Chapter Two.

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<sup>54</sup> Greater Manchester Police, [GUIDANCE relevant legislation and offences](#), May 2024.

<sup>55</sup> [Submission 19](#), Australia Israel & Jewish Affairs Council (AIJAC), p 2; [Submission 52](#), Australian Jewish Association, p 2; [Submission 99](#), Australian Academic Alliance Against Antisemitism, p 21; [Submission 137](#), Institute for the Study of Global Antisemitism and Policy (ISGAP), pp 4-5; [Submission 142](#), Executive Council of Australian Jewry, pp 7-11; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 2; [Submission 146](#), NSW Jewish Board of Deputies, p 9.

## Chapter Two – The current NSW legislative framework

### Summary

This chapter outlines the current legislative framework relating to hate speech in NSW and considers the adequacy of existing offences under the *Crimes Act 1900* in relation to the use of phrases and slogans that incite hatred.

### Offences under existing legislation

- 2.1 The current legislative framework in NSW does not specifically prohibit particular chants or slogans, including 'globalise the intifada'. However, language that is threatening or that incites violence may be prohibited under the *Crimes Act 1900* (the **Crimes Act**) or the *Summary Offences Act 1988* (the **Summary Offences Act**).
- 2.2 The Crimes Act prohibits public acts that threaten or incite violence or racial hatred, under the following provisions:
- Section 93Z: prohibits public acts that intentionally or recklessly threaten or incite violence on the grounds of race, religion, sexual orientation, intersex and HIV or AIDS status.
  - Section 93ZAA: prohibits public acts that incite racial hatred on the grounds of race, where the act would cause a reasonable person the target of the act (or a member of that group) to fear harassment, intimidation or violence or fear for their safety.
  - Section 93ZA: prohibits public display of a Nazi symbol.<sup>56</sup>
- 2.3 The Summary Offences Act also prohibits offensive language and conduct:
- Section 4A: prohibits the use of offensive language in or near, or within hearing from, a public place or school.
  - Section 4: prohibits offensive conduct in or near, or within hearing from, a public place or school.<sup>57</sup>
- 2.4 A full table of these offences is included below at Table 1.

<sup>56</sup> *Crimes Act 1900*, [ss 93Z, 93ZAA](#), and [93ZA](#).

<sup>57</sup> *Summary Offences Act 1988*, [s 4](#).

Table 1. Hate crime legislation in NSW

Section	Key elements	Max. penalty
<i>Crimes Act 1900</i>		
<a href="#">Section 93Z</a>	<ul style="list-style-type: none"> <li>• <b>Intentionally or recklessly publicly</b> threatening or inciting <b>violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status.</b></li> <li>• Irrelevant whether the alleged offender's assumptions were correct or incorrect at the time of the alleged offence.</li> <li>• Irrelevant whether any person formed a state of mind or carried out an act of violence in response to the alleged act.</li> </ul>	100 penalty units and/or 3 years' imprisonment.
<a href="#">Section 93ZAA</a>	<ul style="list-style-type: none"> <li>• <b>Intentionally</b> inciting hatred on grounds of <b>race</b> by a <b>public</b> act.</li> <li>• The act would cause a reasonable person who was the target of the incitement of hatred (or member of a group that was the target) to fear harassment, intimidation or violence, or fear for their safety.</li> <li>• Irrelevant whether the alleged offender's assumptions were correct or incorrect at the time of the alleged offence.</li> <li>• Irrelevant whether any person formed a state of mind or carried out an act of hatred.</li> </ul>	100 penalty units and/or 2 years' imprisonment.
<a href="#">Section 93ZA</a>	<ul style="list-style-type: none"> <li>• <b>Knowingly display, by public act and without reasonable excuse,</b> a Nazi symbol on or near a synagogue, a Jewish school or the Sydney Jewish Museum.</li> <li>• The display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute a Nazi symbol.</li> <li>• A reasonable excuse includes acts done reasonably and in good faith for academic, artistic or education purposes.</li> </ul>	200 penalty units and/or 2 years' imprisonment.
	<ul style="list-style-type: none"> <li>• <b>Knowingly display, by public act and without reasonable excuse,</b> a Nazi symbol on or near a synagogue, a Jewish school or the Sydney Jewish Museum.</li> <li>• The display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute a Nazi symbol.</li> <li>• A reasonable excuse includes acts done reasonably and in good faith for academic, artistic or education purposes.</li> </ul>	100 penalty units and/or 12 months' imprisonment.
<i>Summary Offences Act 1988</i>		
<a href="#">Section 4A</a>	<ul style="list-style-type: none"> <li>• Use of offensive language in or near, or within hearing from, a public place or a school, without a reasonable excuse.</li> </ul>	6 penalty units.
<a href="#">Section 4</a>	<ul style="list-style-type: none"> <li>• Conduct in an offensive manner in or near, or within view or hearing from, a public place or a school, without a reasonable excuse.</li> </ul>	6 penalty units or 3 months' imprisonment.

- 2.5 Additionally, racial vilification is unlawful under the *Anti-Discrimination Act 1977*, which offers a civil avenue for recourse. Section 20C makes it unlawful for a person, by public act, to incite hatred, serious contempt or ridicule towards a person or group of persons on the grounds of race.<sup>58</sup> The *Anti-Discrimination Act 1977* is currently being reviewed by the NSW Law Reform Commission.

## Adequacy and potential limitations of the existing legislative framework

### Finding 2

**There are existing provisions under the *Crimes Act 1900* in relation to the incitement of racial hatred and/or violence, but they are limited with respect to the phrase 'globalise the intifada'.**

- 2.6 During this inquiry, many stakeholder submissions suggested that, if the phrase 'globalise the intifada' is genuinely an incitement of racial hatred and/or violence, it could be prosecuted under the existing offences in *Crimes Act*.<sup>59</sup> However, the Committee notes that the phrase is unlikely to meet the high thresholds for these existing offences.
- 2.7 The Committee notes that the legislative framework was strengthened in February 2025, with the introduction of the *Crimes Amendment (Inciting Racial Hatred) Act 2025*. This legislation, which commenced in August 2025, included a new offence of intentionally and publicly inciting racial hatred, under section 93ZAA.
- 2.8 This legislation was introduced specifically in response to instances of 'antisemitic behaviour'. In his second reading speech, the Attorney General explained:
- The Government does not think that these antisemitic attacks begin and end with graffiti and setting fire to buildings and cars. They begin with hateful, racist language that may ultimately inspire an individual to commit a violent act.<sup>60</sup>
- 2.9 However, as Professor Luke McNamara and Professor Kath Gelber noted in their submission, the provision only criminalises the incitement of hatred that is racial and does not extend to groups defined by religion or any other identity characteristics.<sup>61</sup>
- 2.10 The Jewish Centre for Law and Justice noted that, while the government had taken steps to strengthen laws in relation to antisemitic conduct, there have been a limited number of prosecutions.<sup>62</sup>
- 2.11 Stakeholder submissions, including submissions that were both in favour of the government's proposal and opposed to it, noted that it can be challenging to

<sup>58</sup> *Anti-Discrimination Act 1977*, [section 20C](#).

<sup>59</sup> [Submission 7](#), Professor Anne Twomey, p 4; [Submission 88](#), Anglican Church Diocese of Sydney, p 5; [Submission 95](#), Australian Muslim Advocacy Network, p 5; [Submission 120](#), Dr Honni van Rijswijk, p 3; [Submission 135](#), Dr Maria O'Sullivan, p 4.

<sup>60</sup> New South Wales, Legislative Assembly, [Parliamentary Debates](#), 18 February 2025 (Michael Daley, Attorney General).

<sup>61</sup> [Submission 16](#), Professor Luke McNamara and Professor Kath Gelber, p 3.

<sup>62</sup> [Submission 147](#), Jewish Centre for Law and Justice, pp 6, 7.

prosecute or prevent some hate-based conduct under the existing framework.<sup>63</sup> Specifically, they referred to:

- high evidentiary standards, particularly for the 'incitement' element,<sup>64</sup>
- narrow scope fault elements,<sup>65</sup>
- requirements of specific intent.<sup>66</sup>

- 2.12 Some submissions also referred to the recent arrest of a woman who was displaying the phrase 'globalise the intifada' at a protest against US military intervention in Venezuela in January 2026.<sup>67</sup> In this instance, the woman was released without charge and claimed that police were unable to point to legislation specifically prohibiting the phrase.<sup>68</sup>
- 2.13 The Committee understands the difficulties in establishing an intention to incite racial hatred, under section 93ZAA. We also note that the section has only very recently come into effect. As noted in Chapter One, the Committee expects that some inherently hateful phrases will fall within this new provision or 93Z of the *Crimes Act 1900*.
- 2.14 However, noting the potential harms associated with use of the phrase 'globalise the intifada', as outlined in Chapter One, the NSW Government should consider legislation to proscribe this particular phrase, as per Recommendations 1 and 4 of this report. This will put beyond doubt that the use of this phrase in public is unacceptable and would overcome concerns that the phrase is unlikely to meet the thresholds for existing offences.

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<sup>63</sup> [Submission 99](#), Australian Academic Alliance Against Antisemitism, pp 9, 17; [Submission 142](#), Executive Council of Australian Jewry, p 2; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 26.

<sup>64</sup> [Submission 94](#), Diversity Arts Australia, p 6; [Submission 142](#), Executive Council of Australian Jewry, p 21; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, pp 26-27; [Submission 147](#), Jewish Centre for Law and Justice, p 8.

<sup>65</sup> [Submission 142](#), Executive Council of Australian Jewry, pp 2 and 21; [Submission 147](#), Jewish Centre for Law and Justice, p 8.

<sup>66</sup> [Submission 90](#), HAZAK, p 6; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, pp 26 – 27.

<sup>67</sup> [Submission 28](#), NSW Council for Civil Liberties, p 5; [Submission 92](#), Pride in Protest, p 2; [Submission 98](#), LRSJ Protest Hub, p 10; [Submission 135](#), Dr Maria O'Sullivan, p 8.

<sup>68</sup> The Guardian, [Protester detained in Sydney for wearing 'globalise the intifada' jacket says she should never have been arrested](#), 7 January 2026, viewed 24 January 2026.

## Chapter Three – Measures taken in other jurisdictions

### Summary

This chapter outlines the current legislative framework and recent developments in other jurisdictions, such as the United Kingdom and the Commonwealth, in relation to the incitement of racial and religious hatred.

### The current legislative framework in the United Kingdom

#### Finding 3

**The current legislative framework in the United Kingdom, in relation to the incitement of racial or religious hatred, does not proscribe specific phrases or slogans. Instead, police are empowered to make a judgement call as to whether specific words or phrases are 'threatening' or 'abusive' under the *Public Order Act 1986*.**

- 3.1 The United Kingdom's current legislative framework relating to the incitement of racial and religious hatred does not specifically prohibit particular chants or slogans. Instead, the UK framework includes racially aggravated public order offences and 'stirring up hatred' offences under the *Public Order Act 1986*.
- 3.2 This section sets out the current legislative framework and outlines recent developments in the UK, including the 'enhanced approach' to policing words and chants at public protests, which was announced after the Bondi attack.<sup>69</sup>
- 3.3 This section also discusses offences relating to the support of proscribed groups under the *Terrorism Act 2000*. While the Committee is not considering the proscription of organisations as terrorist organisations as part of this inquiry, the recent UK experience provides helpful context regarding the proscription process.

#### Words or phrases may be 'threatening' or 'abusive' under the *Public Order Act 1986*

- 3.4 The current legislative framework in the UK does not specifically prohibit particular chants or slogans. Instead, threatening or abusive words may fall within the remit of the public order offences under the following sections of the *Public Order Act 1986 (Public Order Act)*, which relate to:
- Section 5: harassment, alarm or distress (the lowest level offence)

<sup>69</sup> Metropolitan Police, [Joint Statement from the Commissioner of the Metropolitan Police and Chief Constable of the Greater Manchester Police](#), 17 December 2025, accessed 27 January 2026.

- Section 4A: intentional harassment, alarm or distress (a more serious offence requiring proof of intent, with a potential imprisonment term)
  - Section 4: fear or provocation of violence (more serious again, also with a potential imprisonment term).<sup>70</sup>
- 3.5 These offences may be racially or religiously aggravated public order offences, under section 31 of the *Crime and Disorder Act 1998*, if the crime is motivated by 'hostility or prejudice' towards a person based on their perceived race or religion.<sup>71</sup>
- 3.6 There are also specific offences that relate to the 'stirring up' of racial and religious hatred, under Part 3 and 3A of the Public Order Act, including:
- the use of words or behaviour intended or likely to stir up racial hatred, under section 18, and
  - the use of words or behaviour intended to stir up religious hatred, under section 29B. This provision must be interpreted in a way that is consistent with freedom of expression, as explicitly stated in section 29J.<sup>72</sup>
- 3.7 Offences during public protests are dealt with under sections 18 and 29B, while online offences are dealt with under separate provisions. Part 3 and 3A offences carry a maximum penalty of up to 7 years' imprisonment, and prosecutions for these offences require the consent of the Attorney General.<sup>73</sup>
- 3.8 A summary table outlining the key elements of these public order offences is included at Appendix Five.

#### Article 10 - Freedom of expression must be considered by police

In the UK, the rights contained in the European Convention on Human Rights are enforceable in UK courts. The right to freedom of expression, under Article 10, applies to the expression of information or ideas that offend, shock or disturb. However, Article 10 does not confer an unqualified right to freedom of expression, restrictions on this right are allowed if they are necessary and proportionate.<sup>74</sup> Police must consider Article 10, when making a decision to arrest, and ensure that an arrest does not constitute a 'disproportionate interference' with Article 10.<sup>75</sup>

<sup>70</sup> [Public Order Act 1986](#) (UK), ss 4, 4A and 5.

<sup>71</sup> Crown Prosecution Service, [Public statement on prosecuting racist and religious hate crime](#), 3 March 2022, accessed 27 January 2026. Note that this agreed definition is broader than the legal definition under the [Crime and Disorder Act 1998](#), s 28.

<sup>72</sup> [Public Order Act 1986](#) (UK), ss 18, 29B, and 29J.

<sup>73</sup> Crown Prosecution Service, [Prosecution Guidance on Racist and Religious Hate Crime](#), 3 March 2022, accessed 27 January 2026.

<sup>74</sup> [European Convention on Human Rights](#), Article 10.

<sup>75</sup> Greater Manchester Police, [GUIDANCE relevant legislation and offences](#), May 2024, accessed 27 January 2026.

### **Policing words and phrases under public order offences has historically been complex**

- 3.9 In the UK, it has historically been difficult to prosecute individuals under general offence provisions, in relation to the use of potentially controversial phrases, as their meaning can be highly context dependent.
- 3.10 For example, in internal policing guidance that was made publicly available in May 2024,<sup>76</sup> the Greater Manchester Police stated:
- 'From the river to the sea, Palestine will be free' could potentially constitute an offence, but our advice at this point is that we would not likely pursue a prosecution. The claim is that 'the river to the sea' is effective[ly] the area that constitutes Israel, therefore it is implicit in the chant that Israel would be destroyed by the creation of the Palestinian state. This is not explicitly clear from the chant, though...<sup>77</sup>
- 3.11 Even where a phrase is deemed to meet the threshold for arrest and for prosecution, it may be difficult to secure a conviction. For example, in April 2023, individuals that had used the Khaybar chant at a protest were charged with 'stirring up racial hatred', under section 18 of the Public Order Act. The Greater Manchester Police noted that the chant (which translates as 'Khaybar, Khaybar, oh Jews, the army of Mohammed will return') includes specific reference to a racial group and to an army coming, which 'strongly implies the destruction of Israel'.<sup>78</sup>
- 3.12 However, when the case went to trial, the prosecution were unable to prove that the defendants intended, or were aware that, the content was threatening, abusive or insulting. As a result, a conviction under section 18 could not be secured and the individuals were acquitted on 4 December 2025.<sup>79</sup>
- 3.13 The Committee notes that it can be difficult to prove the elements of public order offences, under the existing provisions, when the chant is in a language other than English or is using terms where the meaning is not widely known.
- 3.14 The Committee also acknowledges that the current approach taken in the UK requires police officers to exercise a significant amount of discretion and make a judgment call as to whether the meaning of words or phrases is threatening or abusive. The Committee is of the view that clearly proscribing specific phrases in legislation would provide greater clarity, in relation to both arrests and prosecutions, and put beyond doubt that those phrases are unacceptable.

### **An 'enhanced approach' to policing words and chants was announced after the Bondi attack**

- 3.15 On 17 December 2025, the Commissioner of the Metropolitan Police and Chief Constable of the Greater Manchester Police issued a Joint Statement on its

<sup>76</sup> This guidance was [disclosed in full](#) on 19 May 2024 in response to a Freedom of Information request for the two documents issued to M06 (Manchester City Centre) police officers in relation to Gaza protests since October 2023, including material related to policing chants such as 'from the river to the sea'.

<sup>77</sup> Greater Manchester Police, [GUIDANCE relevant legislation and offences](#), May 2024.

<sup>78</sup> Greater Manchester Police, [GUIDANCE relevant legislation and offences](#), May 2024.

<sup>79</sup> D Sugarman, [Jury finds two men accused of 'Khaybar' chant not guilty of inciting racial hatred](#), *Jewish News*, 4 December 2025, accessed 27 January 2026.

'enhanced approach' to policing words and chants, following the Heaton Park Synagogue attack in Manchester and the terrorist attack at Bondi Beach.<sup>80</sup>

- 3.16 In light of this 'escalating threat context', the Joint Statement confirmed that police would 'take action' and 'make arrests' under the Public Order Act, where chants such as 'globalise the intifada' are used at protests or in a targeted way. The statement noted that frontline officers will be briefed on this enhanced approach.<sup>81</sup>
- 3.17 On the same day that the Joint Statement was issued, two people were arrested on suspicion of 'racially aggravated public order offences', after shouting slogans calling for 'intifada' at a rally in London.<sup>82</sup>
- 3.18 The Committee notes that the use of such chants or slogans is now likely to provide grounds for an arrest under the existing provisions of the Public Order Act. This is because frontline officers are to receive additional briefings as part of the enhanced approach and will, therefore, better understand the meaning of certain slogans and phrases. As a result, they will be more likely to form the reasonable suspicion necessary to make an arrest.
- 3.19 The Committee also notes that charges have now been brought against the individuals, in relation to the arrests that were made in December 2025. The Metropolitan Police said that its investigation took into account the 'intifada' chant, as well as other chanting heard during the protest, and that the charges reflect 'the totality of the alleged offending on that evening'. The Crown Prosecution Service decision to charge reflects the fact that there was sufficient evidence to bring the case to court, and that it was in the public interest to pursue criminal proceedings. The defendants are expected to appear in court on 23 February 2026, but until then, it is still not clear whether the phrase would meet the threshold for conviction under the Public Order Act.

## A review of public order and hate crime legislation is currently underway

### Recommendation 2

**That the NSW Government monitor relevant developments in the United Kingdom, including the outcome of the review of public order and hate crime legislation (the Lord Macdonald review), which is due to conclude by February 2026.**

- 3.20 On 15 November 2025, the UK Home Secretary announced that Lord Macdonald of River Glaven KC had been appointed to lead an independent review of public order and hate crime legislation.
- 3.21 The review will examine current hate crime laws, including offences for aggravated behaviour and 'stirring up' hatred, to determine whether they are

<sup>80</sup> Metropolitan Police, [Joint Statement from the Commissioner of the Metropolitan Police and Chief Constable of the Greater Manchester Police](#), 17 December 2025.

<sup>81</sup> Metropolitan Police, [Joint Statement from the Commissioner of the Metropolitan Police and Chief Constable of the Greater Manchester Police](#), 17 December 2025.

<sup>82</sup> C Quinn, ['First arrests at pro-Palestine rally in London for shouting slogans about 'intifada' in wake of police ban'](#), London Broadcasting Company, 17 December 2025, accessed 27 January 2026.

effective and proportionate. The review is currently in progress and is expected to report in February 2026.<sup>83</sup>

### Supporting organisations proscribed under the *Terrorism Act 2000* may constitute an offence

While the Committee is not considering the proscription of organisations as terrorist organisations as part of this inquiry, the recent UK experience provides helpful context regarding the proscription process.

- 3.22 The *Terrorism Act 2000* (UK) (the Act) provides the core framework for terrorism law in the UK. Under the Act, the Home Secretary can make an order to proscribe an organisation believed to be 'concerned in terrorism', subject to Parliamentary approval.<sup>84</sup>
- 3.23 The proscription of an organisation gives rise to a range of criminal offences in connection with that organisation. For example, proscription would make it a criminal offence to support or invite support for that organisation, under section 12 of the Act. Proscription would also make it an offence to wear an item of clothing, or display an article, that would cause reasonable suspicion that the person is a supporter of that organisation, under section 13 of the Act.<sup>85</sup>

#### *The process for proscribing an organisation*



- 3.24 Under section 3(3) of the Act, the Home Secretary can make an order to proscribe an organisation under Schedule 2 if they are satisfied that the organisation is 'concerned in terrorism'.<sup>86</sup>
- 3.25 The orders are made via a statutory instrument, subject to the affirmative procedure, and require approval by resolution of both Houses of Parliament.<sup>87</sup>
- 3.26 If there is urgency, the Home Secretary can implement a draft order without Parliamentary approval. However, the order will end after 40 days unless both Houses of Parliament approve the order.<sup>88</sup>
- 3.27 The Committee recognises the importance of both Houses of Parliament approving such orders. This is why we have recommended that the NSW Government consider introducing legislation to proscribe the phrase 'globalise the intifada' to ensure it is actively considered and agreed to by both Houses of Parliament.

<sup>83</sup> Home Office and the RT Hon Shabana Mahmood MP, [Review of public order and hate crime legislation](#), 15 November 2025, accessed 27 January 2026.

<sup>84</sup> *Terrorism Act 2000* (UK), [s 3\(3\)](#).

<sup>85</sup> *Terrorism Act 2000* (UK), [s 12](#) and [13](#).

<sup>86</sup> *Terrorism Act 2000* (UK), [s 3\(3\)](#).

<sup>87</sup> *Terrorism Act 2000* (UK), [s 123](#). For information on statutory instruments, see: House of Commons Library, [House of Commons Background Paper: Statutory instruments](#), December 2016.

<sup>88</sup> *Terrorism Act 2000* (UK), [s 123\(5\)](#).

### Case study: Proscription of Palestine Action

The UK-based organisation Palestine Action was proscribed on 5 July 2025, following an incident on 20 June 2025, when the group caused damage to British military assets at RAF Brize Norton, which was estimated to total 7 million pounds.<sup>89</sup> The Home Secretary noted that the organisation had a long history of causing criminal damage.<sup>90</sup>

In August 2025, 466 people were arrested at a protest in London for offences relating to the support of Palestine Action.<sup>91</sup> This single protest resulted in 120 charges being laid.<sup>92</sup> An additional 857 people were arrested at a demonstration in September 2025.<sup>93</sup> As of 20 November 2025, more than 2,000 people had been arrested for indicating their support for Palestine Action organisation.<sup>94</sup>

The proscription of Palestine Action is currently subject to legal challenge in the High Court. Hearings were held in November and December 2025, with judgement currently pending.<sup>95</sup> The grounds for granting the review included that:

- the proscription might conflict with Articles 10 (freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights (ECHR), and
- the Secretary's failure to consult Palestine Action before making the order was potentially in breach of Article 6 (right to a fair trial).<sup>96</sup>

#### *Offences relating to preachers that incite hatred*

- 3.28 In the UK, preachers using sermons to incite hatred have previously fallen within the remit of the Terrorism Act rather than the racially aggravated public order offences under the Public Order Act.
- 3.29 For example, in the case of *R v Choudary*, two men were convicted under section 12 of the Terrorism Act for inviting support for the proscribed terrorist organisation ISIS through a series of lectures that were broadcast online.<sup>97</sup>
- 3.30 In referring to the lectures that the offenders had given, the judgment stated:

<sup>89</sup> Note that reports immediately following the incident suggested at least 30 million pounds' worth of damage. See, eg. Jennifer Kennedy, '[Costs of damage from Palestine Action attacks at RAF Brize Norton will total 'at least £30million'', London Broadcasting Company, 21 June 2025, accessed 27 January 2026.](#) However, information disclosed under a Freedom of information request suggested that the damage was around 7 million pounds: Staffordshire Police, Counter Terrorism Policing, [Palestine Action PAG](#), September 2025, accessed 27 January 2026.

<sup>90</sup> United Kingdom, House of Commons, [Parliamentary Debates](#), 23 June 2025 (Yvette Cooper, Secretary of State for the Home Department).

<sup>91</sup> '[UK police arrest hundreds for backing banned pro-Palestine group](#)', *The Weekly Times*, 10 August 2025, accessed 27 January 2026.

<sup>92</sup> Metropolitan Police, '[More than 100 additional people charged with supporting Palestine Action](#)', 20 November 2025, accessed 27 January 2026.

<sup>93</sup> E Sinmaz, '[Almost 900 people arrested at Palestine Action ban protest, say Met police](#)', *The Guardian*, 8 September 2025, accessed 27 January 2026.

<sup>94</sup> D Ferguson, '[UK arresting Palestine Action supporters is censoring free speech, says US official](#)', *The Guardian*, 20 January 2026, accessed 27 January 2026.

<sup>95</sup> House of Commons Library, [Research briefing: Proscribed terrorist organisations](#), December 2025, p 24.

<sup>96</sup> [Ammori v SSHD Approved Judgment](#), 30 July 2025, p 14.

<sup>97</sup> *R v Choudary* [2016] EWCA Crim 1436.

You said amongst other things that ISIS had established a legitimate caliphate, and you spoke of an obligation of every Muslim to obey the caliph who ruled in accordance with shariah, and to fight those who differed from him. Like ISIS, you divided the world into two: Dar al Islam, the land of Islam where shariah is implemented, and the rest of the world, including countries which most people would regard as Muslim countries.<sup>98</sup>

3.31 Justice Holryde further added:

However scholarly the terms of those lectures, and however much each of you sought to tell the jury that you were referring to the concept of an Islamic state rather than to ISIS, you were in my view clearly inviting support for that terrorist organisation. In each of the four lectures, your message was that the caliphate established by ISIS was legitimate and that all true Muslims must live under shariah and obey the legitimate caliph.<sup>99</sup>

3.32 The Committee notes that although the Choudary case is an important authority for what constitutes 'support' for a proscribed terrorist organisation in UK, its relevance to the current hate speech offence framework in NSW may be limited.

**Adopting a similar approach to proscription in NSW carries potential risks**

3.33 Some stakeholder submissions identified the potential risks of implementing a similar approach to proscription in NSW, including:

- The use of substantially similar phrases to circumvent arrest (for example, after Palestine Action was proscribed as a terrorist organisation in the UK, individuals began displaying placards that stated 'I support Plasticine Action' or 'I support Palestine, Action is needed now').<sup>100</sup>
- The differences in legal context,<sup>101</sup> noting that the UK does not have a constitutionally entrenched implied freedom of political communication.<sup>102</sup>
- The controversial nature of the approach, because of the potentially significant impact on civil liberties.<sup>103</sup>

## Recent Commonwealth changes

### Recommendation 3

**That the NSW Government monitor the impact of relevant developments at a federal level, including recent changes to Commonwealth hate speech laws.**

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<sup>98</sup> Judiciary of England and Wales, [Sentencing remarks of Mr Justice Holroyde: R v Anjem Choudary and Mohammed Rahman](#), 6 September 2016, p 3.

<sup>99</sup> Judiciary of England and Wales, [Sentencing remarks of Mr Justice Holroyde: R v Anjem Choudary and Mohammed Rahman](#), 6 September 2016, p 5.

<sup>100</sup> [Submission 109](#), Professor David Heilpern, pp 2-3.

<sup>101</sup> [Submission 27](#), Bar Association of NSW, pp 7-8.

<sup>102</sup> [Submission 7](#), Professor Anne Twomey, p 1.

<sup>103</sup> [Submission 13](#), Shoalhaven Friends of Palestine, pp 8-9; [Submission 28](#), NSW Council for Civil Liberties, p 4; [Submission 89](#), Catholic Archdiocese of Sydney, p 9.

### The *Criminal Code Act 1995 (Cth)* was recently amended to expand hate crimes offences

- 3.34 Slogans that cause fear of violence, including 'globalise the intifada', are not currently explicitly prohibited under Commonwealth hate crime laws. However, the Australian Government recently strengthened Commonwealth hate crime protections, following the events at Bondi Beach in December 2025.<sup>104</sup> These changes were introduced via the *Combatting Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026 (Cth)*, which amended the *Criminal Code Act 1995 (Cth)* and other relevant legislation. The changes came into effect on 22 January 2026.
- 3.35 The new provisions included:
- an aggravated offence for preachers and leaders who advocate or threaten violence<sup>105</sup>
  - an aggravated sentencing factor for hate crimes<sup>106</sup>
  - new offences and a new framework to proscribe 'hate groups',<sup>107</sup> who may not have met the threshold for proscription as a 'terrorist organisation'
  - strengthening of hate symbol offences.<sup>108</sup>
- 3.36 Significantly, the amending Act introduced a new aggravated offence for preachers and leaders who threaten or advocate force against groups.<sup>109</sup> This offence applies if a leader advocates or threatens force or violence while giving religious or spiritual instruction, or religious or secular pastoral care. These new laws are intended to ensure that individuals who hold a position of authority and influence do not exploit this position to advocate or threaten violence, or radicalise others.
- 3.37 The Australian Government had originally signalled that it would introduce a new racial vilification offence to prohibit 'publicly promoting or inciting racial hatred'.<sup>110</sup> However, the relevant provisions were not included in the Bill that was introduced in Parliament on 20 January 2026.<sup>111</sup>
- 3.38 The Committee notes that the proposed offence would have been similar to the existing NSW offence of intentionally and publicly inciting racial hatred,<sup>112</sup> in that it would have prohibited conduct that would cause a 'reasonable person' to be

<sup>104</sup> Australian Parliament, House of Representatives, [Parliamentary Debates](#), 20 January 2026 (Michelle Rowland, Attorney General); [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#).

<sup>105</sup> [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#), sch 1, Part 1.

<sup>106</sup> [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#), sch 1, Part 3.

<sup>107</sup> [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#), sch 1, Part 4.

<sup>108</sup> [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#), sch 1, Part 6.

<sup>109</sup> [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#), sch 1, Part 1.

<sup>110</sup> Attorney-General's Department, [Combatting Antisemitism, Hate and Extremism Bill 2026](#) (exposure draft), viewed 22 January 2026.

<sup>111</sup> [Combatting Antisemitism, Hate and Extremism \(Criminal and Migration Laws\) Act 2026 \(Cth\)](#).

<sup>112</sup> *Crimes Act 1900 (NSW)*, s 93ZAA.

intimidated, to fear harassment or violence or to fear for their safety. However, the proposed offence would have been broader than section 93ZAA of the *Crimes Act 1900* (NSW), as it included 'promotion', including 'normalising or legitimising hateful attitudes in public discourse'.<sup>113</sup>

- 3.39 The proposed Commonwealth laws passed both Houses of Parliament after submissions to this inquiry closed, but were the subject of a federal inquiry by the Parliamentary Joint Committee on Intelligence and Security, which reported on the Bill in January 2026.<sup>114</sup>
- 3.40 As it is too soon to comment on the impact of the new offences, the Committee recommends that the NSW Government continue to monitor their impact and the impact of any other relevant developments at a federal level.

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<sup>113</sup> Attorney-General's Department, [Explanatory Memorandum: Combatting Antisemitism, Hate and Extremism Bill 2026 \(Draft\)](#), 13 January 2026, p 136.

<sup>114</sup> [Review of the Exposure Draft Legislation: Combatting Antisemitism, Hate and Extremism Bill 2026 – Parliament of Australia](#), January 2026.

# Chapter Four – Recommended legislative approach

## Summary

This chapter outlines key elements of the proposed legislative approach for the NSW Government to consider if it decides to introduce legislation to proscribe the phrase 'globalise the intifada'.

## Framing of the legislation

### Recommendation 4

**That, if legislating to proscribe the phrase 'globalise the intifada', the NSW Government consider taking the following steps to reduce the potential for challenges to be made:**

- **including a causal element that specifically links the use of the phrase with a particular material harm (such as incitement of hatred, or harassment, intimidation or violence),**
- **identifying or declaring the particular harm associated with the phrase within the text of the proposed legislation, and**
- **ensuring that it is reasonably appropriate and adapted to serving the legitimate purpose of protecting the community from harm.**

4.1 In making its recommendations, the Committee is conscious of the need to strike a balance between protecting the community and protecting freedom of speech. The need to protect legitimate political expression, particularly in relation to current events in Gaza, was a significant theme among submissions to this inquiry.<sup>115</sup> Specifically, a number of submissions emphasised the importance of the implied constitutional freedom of political communication.<sup>116</sup>

<sup>115</sup> See, for example: [Submission 10](#), Dr Jake Lynch, p 3; [Submission 13](#), Shoalhaven Friends of Palestine, pp 1, 8, 11, and 22; [Submission 17](#), Palestinian Christians in Australia, p 2; [Submission 26](#), Australian National Imams Council (ANIC), pp 4-5; [Submission 40](#), Jewish Voices of Inner Sydney, p 1; [Submission 41](#), Trans Justice Sydney, p 6; [Submission 44](#), Readers and Writers Against the Genocide, p 3; [Submission 51](#), Palestine Action Group Sydney, pp 8 – 10; [Submission 54](#), New England Greens, p 3; [Submission 59](#), Arabic Friends of Labor, p 1; [Submission 65](#), Greens for Palestine (NSW), pp 3, 6 and 8; [Submission 73](#), Sydney Friends of Standing Together, p 2; [Submission 74](#), Australian Arab Institute for Culture and Ideas (AAICI), p 4; [Submission 85](#), Amnesty International Australia, p 5; [Submission 140](#), Palestine Australia Relief and Action (PARA), pp 2-3; [Submission 154](#), Labor Friends of Palestine, p 2.

<sup>116</sup> See, for example: [Submission 7](#), Professor Anne Twomey, pp 1, 5-10; [Submission 8](#), Professor Halim Rane, p 1; [Submission 18](#), The Law Society of NSW, pp 2-3; [Submission 27](#), NSW Bar Association, p 7; [Submission 28](#), NSW Council for Civil Liberties, pp 10; [Submission 50](#), Muslim Legal Network (NSW) Inc., p 8; [Submission 69](#), Free Speech Union of Australia Limited, p 5; [Submission 78](#), The Muslim Vote, p 19; [Submission 83](#), Australia Forum Inc, p 8;

- 4.2 The implied freedom of political communication is not a personal right,<sup>117</sup> but rather, a constitutional principle that arises from the system of representative government established by the Australian Constitution. The implied freedom operates to protect the effective functioning of that system by ensuring that political communication is not unduly restricted.<sup>118</sup>
- 4.3 The High Court has recognised that the implied freedom of political communication is not absolute, and that it will not invalidate a law if that law is:
- for a legitimate purpose, and
  - reasonably appropriate and adapted to that legitimate purpose.<sup>119</sup>
- 4.4 Stakeholders noted that Australian anti-vilification provisions have been upheld as striking an appropriate balance between free expression and protection from serious harm.<sup>120</sup> For example, the case of *Sunol v Collier (No. 2)* found that although the relevant provision of the *Anti-Discrimination Act 1977 (NSW)* burdened political communication, its aim of preventing homosexual vilification was a legitimate purpose.<sup>121</sup>
- 4.5 Professor Emerita Anne Twomey submitted:
- ... a purpose of protecting the community from offence, hurt feelings, insult, and the damage to social cohesion that may be caused by disagreement and debate, is not a legitimate purpose, as it would prevent robust political communication. However, a law directed at preventing the incitement of violence, intimidation, and harmful dissension and strife in the community is for a legitimate purpose.<sup>122</sup>
- 4.6 Similarly, the Law Society of NSW submitted that any proposed laws burdening the implied freedom would need to be 'reasonably appropriate and adapted to serving the legitimate purpose of protecting the community from harm'.<sup>123</sup>
- 4.7 In explaining the harms caused by phrases that have historically been associated with violence, stakeholders noted that 'slogans that invoke violence or historical trauma are experienced as threats, even when framed as political expression'. Targeted communities report 'increased anxiety, withdrawal from public life, and fear for children and elders'.<sup>124</sup>
- 4.8 Similarly, political sociologist Dr Josh Roose explained:

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[Submission 119](#), Dr Josh Roose, p 12; [Submission 125](#), Ms Sheryn Omeri KC, p 2; [Submission 129](#), Ms Sue Higginson MLC, pp 3, 7-9.

<sup>117</sup> See, for example: *Unions New South Wales v New South Wales* (2013) 252 CLR 530 at [36] (French CJ, Hayne, Crennan, Kiefel and Bell JJ).

<sup>118</sup> [Submission 7](#), Professor Anne Twomey, pp 1 and 5.

<sup>119</sup> [Submission 7](#), Professor Anne Twomey, pp 6-9.

<sup>120</sup> [Submission 76](#), Multicultural Community Council of New South Wales, p 8; [Submission 126](#), Elyse Methven, p 12.

<sup>121</sup> *Sunol v Collier (No. 2)* (2012) 260 FLR 414.

<sup>122</sup> [Submission 7](#), Professor Anne Twomey, p 1.

<sup>123</sup> [Submission 18](#), The Law Society of NSW, p 2.

<sup>124</sup> [Submission 12](#), Australian Multicultural Action Network Inc, p 2.

For Jewish Australians, the impact of this language is not theoretical. It resonates with both a long historical record of targeted violence and a contemporary security environment in which Jews are framed as enemies by actors from multiple ideological directions.<sup>125</sup>

- 4.9 Some stakeholders submitted that addressing the use of slogans that promote racial hatred or violence, through reasonable and proportionate laws, would appear to be compatible with the implied freedom of political communication in the Australian Constitution.<sup>126</sup>
- 4.10 However, others raised concerns about the proportionality of legislation to proscribe phrases such as 'globalise the intifada',<sup>127</sup> and suggested that a content-neutral approach (based on general principles rather than specific phrases) would be preferable.<sup>128</sup> Stakeholders also pointed to the fact that there are less burdensome alternatives, such as the existing offences under the *Crimes Act 1900*, which a court may consider in assessing the constitutionality of any proposed legislation.<sup>129</sup>
- 4.11 The Committee sought independent legal advice on this matter and understands that if legislation is unduly broad, it may not be appropriate and adapted to its purpose. For example, stakeholders noted that legislation proscribing phrases that were deemed offensive, without reference to an incitement of violence, may be unduly broad.<sup>130</sup>
- 4.12 We also understand that allowing the specification of additional proscribed phrases, through a further regulation or legislative instrument, may increase the likelihood of a successful challenge. The Committee recognises the importance of legitimate political expression and does not recommend proscribing other phrases that are non-violent expressions of Palestinian solidarity, even if they may be offensive to some people.
- 4.13 On this basis, the Committee recommends that the NSW Government consider proscribing the one phrase only ('globalise the intifada'), where that phrase is used as an incitement of violence, to ensure that any proposed legislation does not go further than necessary, while also protecting the Jewish community from harm.

<sup>125</sup> [Submission 119](#), Dr Josh Roose, p 6.

<sup>126</sup> [Submission 47](#), Hindu Council of Australia, p 1; [Submission 144](#), Australia's Special Envoy to Combat Antisemitism, p 21.

<sup>127</sup> [Submission 13](#), Shoalhaven Friends of Palestine, pp 12-13; [Submission 16](#), Professor Luke McNamara and Professor Kath Gelber, p 6; [Submission 28](#), NSW Council for Civil Liberties, p 13; [Submission 34](#), Celebrate Palestine South West, p 3; [Submission 35](#), Coalition of Women for Justice and Peace, p 5; [Submission 45](#), Australian Democracy Network, p 3; [Submission 50](#), Muslim Legal Network (NSW), Inc, p 9; [Submission 74](#), Australian Arab Institute for Culture and Ideas, p 4; [Submission 92](#), Freedom for Faith, p 6; [Submission 98](#), LRSJ Protest Hub, p 10.

<sup>128</sup> [Submission 7](#), Professor Anne Twomey, pp 8-9; [Submission 18](#), The Law Society of NSW p 3; [Submission 45](#), Australian Democracy Network, p 3.

<sup>129</sup> [Submission 7](#), Professor Anne Twomey, p 9; [Submission 16](#), Professor Luke McNamara and Professor Kath Gelber, p 6.

<sup>130</sup> [Submission 52](#), Australian Jewish Association, p 3.

- 4.14 For consistency with the existing offences under the *Crimes Act 1900*,<sup>131</sup> the Committee also suggests that any proposed legislation includes a defence where the phrase is used in academic, artistic and educational materials.
- 4.15 If additional phrases were to be considered in future, the Committee is of the view that these phrases should be brought before Houses of Parliament again for consideration.
- 4.16 On balance, having considered the advice, the Committee is of the view that any legislation to proscribe this phrase should consider:
- including a causal element that specifically links the use of the phrase with a particular harm (for example, the incitement of hatred, or harassment, intimidation or violence),
  - identifying or declaring the particular harm associated with the phrase within the text of the proposed legislation, and
  - ensuring that it is reasonably appropriate and adapted to serving the legitimate purpose of protecting the community from harm.
- 4.17 The Committee understands that dealing with these considerations will help to ensure that any potential legislation is consistent with the implied freedom of political communication and, therefore, reduce the likelihood of any potential legislation being successfully challenged.

## Statutory review and oversight

### Recommendation 5

**That, if the proscription is legislated, an independent review of the relevant legislative provisions is undertaken, as soon as possible after 12 months from commencement, to determine whether the terms remain appropriate for securing the stated policy objectives. A report on the outcome of the review is to be tabled in Parliament.**

- 4.18 Some stakeholder submissions suggested that, if the NSW Government were to introduce legislation to proscribe a specific phrase, there should be safeguards, such as periodic reviews.<sup>132</sup>
- 4.19 In their submission, Shoalhaven Friends of Palestine noted that 'circumstances evolve' and 'what might be politically salient now could change'. While this organisation did not support proscribing the phrase, they recommended that if legislation was introduced for this purpose, a review of the relevant legislation

<sup>131</sup> See eg. *Crimes Act 1900*, [s 93ZA\(3\)](#), which provides a defence for the display of a Nazi symbol 'done reasonably and in good faith for an academic, artistic or educational purpose'. Similarly, [s 93ZAA\(2\)](#), which makes it an offence to publicly incite racial hatred, 'does not apply to an act that consists only of directly quoting from or otherwise referencing a religious text for the purpose of religious teaching or discussion'.

<sup>132</sup> [Submission 6](#), Dr Matthew Jennings, p 4; [Submission 13](#), Shoalhaven Friends of Palestine, p 22; [Submission 18](#), The Law Society of NSW, p 2; [Submission 22](#), Australian Federation of Islamic Councils, pp 17-18; [Submission 56](#), Arab Council Australia, p 4.

should be undertaken after 12 months, with input from an independent monitor on how the law has been used. They explained:

This would help ensure that if the law produces unintended consequences (like arbitrary arrests or the targeting of one community), it can be corrected promptly. It also ensures ongoing public accountability for maintaining the balance between security and liberty.<sup>133</sup>

- 4.20 The Committee acknowledges that statutory reviews are important in ensuring that any legislation introduced is functioning as intended. On this basis, we recommend that, if the proscription is legislated, an independent review of the relevant legislative provisions should be undertaken to determine whether the terms remain appropriate for securing the stated policy objectives. This review should begin as soon as possible after 12 months from the commencement of the legislation. A report on the outcome of the review should also be tabled in Parliament, for transparency.

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<sup>133</sup> [Submission 13](#), Shoalhaven Friends of Palestine, p 22.

## Appendix One – Terms of reference

That the Committee on Law and Safety inquire into and report on the use of slogans that are directed at certain communities to intimidate those communities and instil fear of violence.

The Committee should consider:

- 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;
- 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;
- c) The need to protect communities from hatred, intimidation and violence;
- d) Australian and international examples of best practice to combat the use of such slogans, including measures and approaches taken in the United Kingdom;
- e) The Australian Constitution and the implied freedom of political communication;
- f) Existing offences and other measures in New South Wales and Commonwealth legislation, including offences and measures that have been announced; and
- g) Any other related matters.

## Appendix Two – Conduct of inquiry

The inquiry into measures to prohibit slogans that incite hatred was referred on 22 December 2025 by the Attorney General of New South Wales. The terms of reference for the inquiry can be found in Appendix One.

The Committee invited key stakeholders, including organisations and subject matter experts, to make a submission to the inquiry. Submissions closed at 5pm on 12 January 2026. The Committee also obtained confidential legal advice to inform its report.

The Committee received more than 740 submissions in total. Of these, 155 submissions were made by organisations (including community organisations) and subject matter experts. Due to the short timeframe for this inquiry, the Committee resolved to accept all submissions, but only publish submissions from subject matter experts and organisations.

A list of published submissions appears at Appendix Three, and these submissions are available on the inquiry [webpage](#).

## Appendix Three – Submissions

<b>No.</b>	<b>Author</b>
1	Indians in Sydney
2	AASHA Australia Foundation
3	Confidential
4	Alliance Against Islamophobia
5	Dr Valentina Bau
6	Dr Matthew Jennings
7	Professor Anne Twomey
8	Professor Halim Rane
9	Dr Philip Glover
10	Dr Jake Lynch
11	Dr Angela Williams
12	Australian Multicultural Action Network Inc
13	Shoalhaven Friends of Palestine
14	Australian Azerbaijanis Association Inc
15	National Network of Incarcerated & Formerly Incarcerated Women & Girls
16	Professor Luke McNamara and Professor Kath Gelber
17	Palestinian Christians in Australia
18	The Law Society of New South Wales
19	Australia Israel & Jewish Affairs Council (AIJAC)
20	Muslim Votes Matter
21	Palestine Israel Ecumenical Network (PIEN)
22	Australian Federation of Islamic Councils
23	Zionist Council of NSW
24	National Association for the Visual Arts (NAVA)
25	Confidential
26	Australian National Imams Council (ANIC)
27	NSW Bar Association
28	NSW Council for Civil Liberties
29	Australian Christian Churches
30	Barabirang Darug Tribal Governing Council
31	Digital Defence
32	Northern Beaches Committee for Palestine

<b>No.</b>	<b>Author</b>
33	PSA Unionists for Palestine
34	Celebrate Palestine South West
35	Coalition of Women for Justice and Peace
36	National Sikh Organisation Inc.
37	Minority Impact Coalition Ltd
38	Mission of Hope
39	Palestinian community of Western Australia
40	Jewish Voices of Inner Sydney (JVOIS)
41	Trans Justice Sydney
42	Shia Muslim Council of Australia
43	Multicultural Disability Advocacy Australia
44	Readers and Writers Against the Genocide
45	Australian Democracy Network
46	Jewish Council of Australia
47	Hindu Council of Australia
48	Jewish Action Zionist Brisbane
49	Justice and Equity Centre
50	Muslim Legal Network (NSW) Inc
51	Palestine Action Group Sydney
52	Australian Jewish Association
53	Our Race Community
54	New England Greens
55	Federation of Italian Migrant Workers and their Families (FILEF NSW)
56	Arab Council Australia
57	Indian Crescent Society of Australia Inc
58	Jews for a Free Palestine
59	Arabic Friends of Labor
60	Community Industry Group
61	Inner City Legal Centre (ICLC)
62	CPSU Rank & File 4 Palestine
63	The University of New South Wales Student Representative Council
64	Arab Theatre Studio
65	Greens for Palestine (NSW)
66	Free Palestine Townsville
67	University of New South Wales Philosophy Society

<b>No.</b>	<b>Author</b>
68	Institute for the Critical Study of Zionism
69	Free Speech Union of Australia Limited
70	Australasian Union of Jewish Students
71	Democracy in Colour
72	Australia Palestine Advocacy Network
73	Sydney Friends of Standing Together
74	Australian Arab Institute for Culture and Ideas (AAICI)
75	Online Hate Prevention Institute
76	Multicultural Community Council of New South Wales
77	Teachers and School Staff for Palestine NSW
78	The Muslim Vote
79	Confidential
80	Jews Against the Occupation '48
81	Institute for Collaborative Race Research
82	Australian Sikh Association Ltd
83	Australia Forum Inc.
84	Youth HEAR
85	Amnesty International Australia
86	Zimbabwe Association in Australia NSW
87	The Independant and Peaceful Australia Network ACT
88	Anglican Church Diocese of Sydney
89	Catholic Archdiocese of Sydney
90	HAZAK
91	University of Sydney Students' Representative Council (SRC)
92	Freedom for Faith
93	Pride in Protest
94	Diversity Arts Australia
95	Australian Muslim Advocacy Network (AMAN)
96	Confidential
97	Professor Ben Saul
98	LRSJ Protest Hub
99	Australian Academic Alliance Against Antisemitism Ltd
100	AUSTRALIAN HELLENIC COUNCIL NSW
101	We Australians Are Creative Inc
102	Australian Human Rights Commission

<b>No.</b>	<b>Author</b>
103	Northern Rivers Jewish Community Association
104	Aboriginal Legal Service (NSW/ACT) Limited
105	Legal Aid NSW
106	Mr Jim KABLE
107	Mr Maher Mughrabi
108	Dr Finola Laughren
109	Professor David Heilpern
110	Dr Julie Macken
111	Dr Anne Junor
112	Dr Helen McCue
113	Dr David Brophy
114	Confidential
115	Dr Matthew Jennings
116	Dr Natalia Maystorovich Chulio
117	Dr Nick Riemer
118	Professor Louise Crabtree-Hayes
119	Dr Josh Roose
120	Dr Honni van Rijswijk
121	Dr Louise Katz
122	Dr Astrid Lorange
123	Dr Jordana Silverstein
124	Dr Andrew Brooks
125	Ms Sheryn Omeri KC
126	Dr Elyse Methven
127	NSW Turkish Community
128	The Hon Amanda Fazio
129	Ms Sue Higginson
130	Ms Wendy Bacon
131	Ms Sawsan Madina
132	Dr Catherine Reynolds
133	Dr Ingrid Matthews
134	Dr Imogen Richards
135	Dr Maria O'Sullivan
136	Confidential
137	Institute for the Study of Global Antisemitism and Policy (ISGAP)

<b>No.</b>	<b>Author</b>
138	Melinda Jones
139	Australian Christian Lobby
140	Palestine Australia Relief and Action (PARA)
141	ActionAid Australia
142	Executive Council of Australian Jewry
143	Anti-Discrimination NSW
144	Australia's Special Envoy to Combat Antisemitism (ASECA)
145	Cultural Media
146	NSW Jewish Board of Deputies
147	Jewish Centre for Law & Justice Ltd
148	Mr Damien Webb
149	Ms Larissa Dulat
150	Mr Sean O'Brien
151	Navarro & Associates Lawyers & Notary Public
152	Dr Bruce Lindsay
153	Hizb ut-Tahrir Australia
154	Labor Friends of Palestine
155	Centre for Resilient and Inclusive Societies

## Appendix Four – Extracts from minutes

### **Notice of meeting no. 19**

5.03PM, 22 DECEMBER 2025

LA Clerk's Room and videoconference

### **Members present**

Mr Atalla (**Chair**), Dr McDermott (**Deputy Chair**), Mr Donato, Adjunct Professor Smith (via videoconference), Ms Stuart, Mr Toole and Mr Vo.

### **Officers present**

Helen Minnican, Sam Griffith, Carly McKenna, Naomi Parkinson, Natasha Moir and Karena Li.

### **Agenda item**

The Committee noted that the minutes of the meeting of 24 November 2025 will be adopted at the Committee's next meeting.

Resolved, on the motion of Mr Donato, seconded by Ms Stuart: That the Committee admit a representative from the Attorney General's Office, \*\*\*, to discuss the new inquiry referral.

\*\*\*, from the Attorney General's Office, was admitted to the meeting at 5.03pm and provided a briefing to the Committee.

\*\*\* left the meeting at 5.12pm.

## **1. Inquiry into measures to prohibit slogans that incite hatred**

### **1.1 Terms of reference**

The following terms of reference were received from the Attorney General on 22 December 2025 for an inquiry into measures to prohibit slogans that incite hatred:

"That the Committee on Law and Safety inquire into and report on the use of slogans that are directed at certain communities to intimidate those communities and instil fear of violence.

The Committee should consider:

1. 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;
2. 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;
3. The need to protect communities from hatred, intimidation and violence;
4. Australian and international examples of best practice to combat the use of such slogans, including measures and approaches taken in the United Kingdom;

5. The Australian Constitution and the implied freedom of political communication;
6. Existing offences and other measures in New South Wales and Commonwealth legislation, including offences and measures that have been announced; and
7. Any other related matters.

The Committee should consult with relevant stakeholders and report to Parliament by 31 January 2026."

The Committee noted Adjunct Professor Smith's objection to the inclusion of only one example ("globalise the intifada") in the terms of reference.

Resolved, on the motion of Dr McDermott, seconded by Ms Stuart:

- That the Committee on Law and Safety inquire into and report on measures to prohibit slogans that incite hatred, in accordance with the draft terms of reference in the Attorney General's letter of referral,
- That the Chair write to the Attorney General to acknowledge the correspondence and inform him that the Committee has adopted the terms of reference,
- That the Committee table its report by 31 January 2026.

## **1.2 Inquiry process**

The Committee discussed its forward work plan and timeframes for the inquiry.

Discussion ensued.

Mr Donato noted the short timeframe for the inquiry.

The Committee noted that Mr Toole and Adjunct Professor Smith objected to the reporting deadline for the inquiry.

Resolved, on the motion of Ms Stuart, seconded by Mr Donato:

- That the Committee call for submissions and advertise the inquiry on the Committee's webpage,
- That the closing date for submissions be 5pm, 12 January 2026,
- That the secretariat contact the stakeholders previously approved by the Committee by 12pm, 23 December 2025, to inform them of the inquiry and invite them to make a submission,
- That the Office of the Attorney General provide any suggested stakeholders to the secretariat by 11am, 23 December 2025,
- That the Committee suggest any additional stakeholders by 4pm, 23 December 2025,

- Unless otherwise agreed to by the Committee, due to the short timeframe for this inquiry, only submissions from organisations or subject matter experts will be formally published. All submissions and information will be provided to the Committee. A note to this effect is to be placed on the inquiry webpage.

The Committee noted that Committee staff will canvass availability for a report deliberative meeting on 29 or 30 January 2026.

Resolved, on the motion of Dr McDermott, seconded by Mr Vo: That, if required, the Chair liaise with the Clerk to obtain independent legal advice on matters related to the inquiry.

## **2. General business**

### **3. Next meeting**

The meeting adjourned at 5.28pm until 2.00pm, 13 January 2026.

### **Notice of meeting no. 20**

12.33PM, 13 January 2026

Room 814, Room 1254 and videoconference

### **Members present**

Mr Atalla (**Chair**), Dr McDermott (**Deputy Chair**), Mr Donato (by videoconference), Adjunct Professor Smith (by videoconference), Ms Stuart (by videoconference), Mr Toole (by videoconference), and Mr Vo (by videoconference).

### **Officers present**

Helen Minnican, Sam Griffith, Monica Loftus, Kate McCorquodale, Carly McKenna, Natasha Moir, Naomi Parkinson and Art Bae.

### **Agenda item**

#### **1. Confirmation of minutes**

Resolved, on the motion of Mr Vo, seconded by Dr McDermott: That the minutes of the meetings of 24 November and 22 December 2025 to be confirmed.

#### **2. Inquiry into measures to prohibit slogans that incite hatred**

##### **2.1 Inquiry correspondence**

The Committee noted the following correspondence sent:

- Letter, from the Chair to the Attorney General, dated 23 December 2025, informing the Attorney General that the Committee has adopted terms of reference for the inquiry into measures to prohibit slogans that incite hatred.

## **2.2 Providing submissions to counsel**

Resolved, on the motion of Dr McDermott, seconded by Mr Donato: That the secretariat provide the following submissions to counsel, on a confidential basis, prior to the Committee's 2pm briefing:

- Law Society of NSW
- NSW Bar Association
- NSW Council for Civil Liberties
- Professor Anne Twomey.

## **2.3 Briefing**

Resolved, on the motion of Ms Stuart, seconded by Dr McDermott: That the Committee admit \*\*\* from the Department of Communities and Justice (DCJ) to brief the Committee.

\*\*\* from DCJ, were admitted to the meeting at 12.39pm and provided a briefing to the Committee.

\*\*\* left the meeting 1.30pm.

The Committee adjourned at 1.30pm and resumed at 2.03pm in meeting room 1254.

## **3. Inquiry into measures to combat right-wing extremism in NSW**

\*\*\*

## **4. Inquiry into measures to combat right-wing extremism in NSW and Inquiry into measures to prohibit slogans that incite hatred**

### **4.1 Briefing**

Resolved, on the motion Dr McDermott, seconded by Mr Vo: That the Committee agree to admit the following to brief the Committee:

- \*\*\*
- \*\*\*
- \*\*\*
- \*\*\*.

\*\*\* were admitted to the meeting at 2.04pm and provided a briefing to the Committee via videoconference.

\*\*\* left the meeting at 3.18pm.

## **5. Inquiry into measures to combat right-wing extremism in NSW**

### **5.1 \*\*\***

### **5.2 \*\*\***

### **5.3 Summary of legal advice**

Resolved on the motion of Ms Stuart, seconded by Dr McDermott: That the Clerk, on behalf of the Committee, request Senior Counsel provide a written summary of their final legal advice for consideration for use in the report on the inquiry into measures to prohibit slogans that incite hatred and the interim report for the inquiry into measures to combat right-wing extremism in NSW.

## **6. Inquiry into measures to prohibit slogans that incite hatred – Submissions**

Resolved, on the motion of Dr McDermott, seconded by Ms Stuart: That the secretariat provide, via email, submissions from organisations and subject matter experts that have been identified as appropriate for publication, as outlined in the proposed publication table to be provided with the submissions. These submissions will be published on the inquiry webpage, unless any objections are received.

Adjunct Professor Smith abstained from this motion.

The Committee noted that the secretariat would circulate a list of the organisations that were granted extensions.

## **7. Next meeting**

The meeting adjourned at 3.33pm until 29 January 2026.

### **Notice of meeting no. 21**

4.01 PM, 29 January 2026

Room 1254 and videoconference

### **Members present**

Mr Atalla (**Chair**) (by videoconference), Dr McDermott (**Deputy Chair**), Adjunct Professor Smith (by videoconference), Ms Stuart, Mr Toole (by videoconference), and Mr Vo.

### **Officers present**

Helen Minnican, Carly Maxwell, Sam Griffith, Carly McKenna, Natasha Moir, Naomi Parkinson and Art Bae.

### **Apologies**

Mr Donato.

### **Agenda item**

#### **1. Confirmation of minutes**

Resolved, on the motion of Adjunct Professor Smith: That the minutes of the meetings of 13 January 2026 to be confirmed.

## 2. Inquiry into measures to prohibit slogans that incite hatred

### 2.1 Inquiry correspondence

The Committee noted the following correspondence received from:

- \*\*\*
- \*\*\*

### 2.2 Submissions

The Committee noted that:

- submissions from organisations and subject matter experts that were identified as appropriate for publication were published on the inquiry webpage on 19 January 2026, as per the Committee's resolution at the meeting of 13 January 2026,
- non-standard redactions, of any potentially adverse comments and/or sensitive information, were made as per the proposed publication tables that were provided to the Committee, and
- submissions from individuals were provided to the Committee on 20 January 2026 and will be kept confidential, as per the Committee's resolution at the meeting of 22 December 2025.

Resolved, on the motion of Ms Stuart, seconded by Mr Vo: That the Committee agrees to keep submissions 3, 25, 79, 96, 114 and 136 confidential to the Committee, at the request of the authors.

### 2.3 Resolution permitting recording of video meeting

Resolved, on the motion of Mr Vo: That the Committee agrees to record the meeting for the purposes of Committee staff preparing the minutes and report amendments, and that the recording be deleted once the report is tabled.

### 2.4 Consideration of Chair's draft report

The Committee considered the Chair's draft report, which was circulated 27 January 2026.

The Committee noted amendments received in writing from Adjunct Professor Smith and from Dr McDermott.

Resolved, on the motion of Dr McDermott: That the Committee agrees to consider the Chair's draft report in globo.

Adjunct Professor Smith moved amendments numbered 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 27, 28, 29:

1. That Finding 1 be omitted as follows: 'The word 'intifada' is used to describe periods of Palestinian protest and uprising against Israel. This includes the Second Intifada, which was characterised by violence. The slogan 'globalise the

intifada' may therefore be perceived to incite violence against Jewish people on a broader scale.'

2. That a new Finding 1 be inserted as follows: 'Including a slogan in the Terms of Reference associated with the free Palestine movement has skewed the Inquiry and led to most submissions prosecuting the example in (a) rather than the substantive legal questions raised in b) - f).'
4. That Finding 2 be omitted as follows: 'There are existing provisions under the Crimes Act 1900 in relation to the incitement of racial hatred and/or violence, but they are limited with respect to the phrase 'globalise the intifada'.'
5. That a new Finding 2 be inserted as follows: 'The Inquiry's timeline and absence of formal oral hearings have inhibited transparent, measured, and nuanced community and expert engagement, as well as the ability of the committee to provide constitutionally sound directions on law.'
7. That Recommendation 1 be omitted as follows: 'That the NSW Government consider legislation to proscribe the phrase 'globalise the intifada' (and any substantially similar wording) to clarify that the chanting of this phrase in a public place is unlawful.'
8. That a new Recommendation 1 be inserted as follows: 'Establish a new Inquiry that contains content neutral Terms of Reference, allows at least 10 weeks for submissions and community engagement, conducts public hearings, and publishes all submissions received.'
9. That Finding 3 be omitted as follows: 'The current legislative framework in the United Kingdom, in relation to the incitement of racial or religious hatred, does not proscribe specific phrases or slogans. Instead, police are empowered to make a judgement call as to whether specific words or phrases are 'threatening' or 'abusive' under the Public Order Act 1986.'
10. That a new Finding 3 be inserted as follows: 'Political slogans have contested meanings and cannot be deemed inherently hateful or violent without contextual analysis.'
11. That Recommendation 2 be omitted as follows: 'That the NSW Government monitor relevant developments in the United Kingdom, including the outcome of the review of public order and hate crime legislation (the Lord Macdonald review), which is due to conclude by February 2026.'
12. That a new Recommendation 2 be inserted as follows: 'Apply to the development of any new law the Rabat Plan of Action, widely recognised as the international standard for addressing hate speech, requiring assessment of six factors:
  1. Context of the speech
  2. The speaker
  3. Intent
  4. Content and form
  5. Extent of the speech

6. Likelihood of producing immediate harm
13. That Recommendation 3 be omitted as follows: 'That the NSW Government monitor the impact of relevant developments at a federal level, including recent changes to Commonwealth hate speech laws.'
  14. That a new Recommendation 3 be inserted as follows: 'Distinguish between political slogans which are protected by the Constitutionally implied freedom of political communication - including common anti-Zionist slogans such as "globalise the intifada" and "from the River to the Sea" - and hate speech.'
  15. That Recommendation 4 be omitted as follows: 'That, if legislating to proscribe the phrase 'globalise the intifada', the NSW Government consider taking the following steps to reduce the potential for challenges to be made:
    - Including a causal element that specifically links the use of the phrase with a particular material harm (such as incitement of hatred, or harassment, intimidation or violence),
    - Identifying or declaring the particular harm associated with the phrase within the text of the proposed legislation, and
    - Ensuring that it is reasonably appropriate and adapted to serving the legitimate purpose of protecting the community from harm.'
  16. That a new Recommendation 4 be inserted as follows: 'Political slogans should not be banned on the grounds that it would be unconstitutional and counterproductive to the aims of decreasing racial hatred and improving community safety and cohesion.'
  19. That a new finding be inserted after the new Recommendation 4: 'Finding 4 The existing laws in NSW relating to offensive language, hate speech and anti-discrimination provisions are sufficient to prohibit any phrases that are offensive, inciting, or discriminatory.'
  21. That a new finding be inserted on page 24: 'Finding 5 The Honourable John Sacker AM KC has been directed to review criminal law hate-speech protections for vulnerable communities, to guide improvements to NSW laws and support social cohesion measures.'
  22. That a new finding be inserted on page 24: 'Finding 6 Reforms to civil litigation provisions in NSW is currently the subject of an Inquiry by the NSW Law Reform Commission as part of its review of the *Anti-Discrimination Act 1977 (NSW)*.'
  23. That a new finding be inserted on page 24: 'Finding 7 Reforms to civil litigation provisions in NSW are currently the subject of an Inquiry by the NSW Law Reform Commission as part of its review of the *Anti-Discrimination Act 1977 (NSW)*.'
  24. That Recommendation 5 be omitted as follows: 'That, if the proscription is legislated, an independent review of the relevant legislative provisions is undertaken, as soon as possible after 12 months from commencement, to

determine whether the terms remain appropriate for securing the stated policy objectives. A report on the outcome of the review is to be tabled in Parliament.'

25. That a new Recommendation 5 be inserted as follows: 'No assessment of the United Kingdom's recent laws banning certain pairing of words and slogans should be included in the committee's report until the constitutional challenges in the UK courts are resolved.'
27. That a new recommendation be inserted on page 26: 'Recommendation 6 No Report should be finalised by the committee until the recommendations by the Honourable John Sacker AM KC, and the report by the NSW Law Reform Commission into reforms of the civil litigation regime in NSW are finalised.'
28. That a new finding be inserted on page 26: 'Finding 8 All people have the right to live free from racism, discrimination, vilification and violence, and these rights are best protected through inclusive, rights-respecting policies.'
29. That a new recommendation be inserted on page 26: 'Recommendation 7 The NSW Government sets up a taskforce for anti-racism action and endorses and implements all 63 recommendations of the Australian Human Rights Commission's National Anti-Racism Framework, the result of extensive consultation with hundreds of organisations and thousands of individuals.'

Mr Toole noted his support for Adjunct Professor Smith's amendment number 5.

The question was put. The Committee divided.

Ayes: Adjunct Professor Smith

Noes: Mr Atalla, Dr McDermott, Ms Stuart, Mr Toole, Mr Vo.

The question was resolved in the negative.

Adjunct Professor Smith moved amendments numbered 3, 6, 17, 18, 20, 26, 30, 31, 32:

3. That a paragraph be inserted after Finding 1, with the words: 'The Inquiry's terms of reference are fundamentally flawed in their selective focus. They cite only one example of allegedly intimidatory speech - "Globalise the intifada"- while offering no examples of hateful speech affecting Aboriginal and Torres Strait Islander peoples, Muslims, Arabs, LGBTIQ+ communities, or migrants, despite well-documented instances of genuine hate speech targeting these groups,' with a citation inserted to Jewish Council of Australia, Submission No. 46.
6. That a paragraph be inserted after Finding 2, with the words: 'It is unrealistic to expect a parliamentary committee, in such a very short time over the Christmas holiday break, with no oral hearings and presumably few submissions by experts in the field, to come up with the desired constitutionally challenge-proof law,' with a citation inserted to Professor Anne Twomey, Submission No. 7.
17. That a paragraph be inserted after Recommendation 4, with the words: 'This existence of an inquiry that will frequently mention the phrase 'globalise the

intifada' is not a threat to community safety. This proves that what the expression means is a contextual matter and that no accurate assessment of its meaning can be made without considering context,' with a citation inserted to Dr Nick Riemer, Submission No.117

18. That the following paragraph be inserted after amendment number 17, with the words: 'Silencing one community's political expression is more likely to deepen division and mistrust than to promote social cohesion,' with a citation inserted to The Independent and Peaceful Australia Network ACT, Submission No.87.
20. That a paragraph be inserted after Finding 4, with the words: 'The criminal law alone is not equipped or designed to achieve social cohesions. It is a reactionary and coercive mechanism that should be reserved for the targeted punishment of harmful conduct and is not effective when used to encourage broad-brushed social change,' with a citation inserted to NSW Council for Civil Liberties, Submission No. 28.
26. That a paragraph be inserted after Recommendation 5, with the words: 'NSW should resist the legislative trajectory observed in the United Kingdom, where the expansion of public order laws to criminalise specific slogans and political expressions has resulted in significant human rights concerns. As documented by Human Rights Watch, UK authorities have severely restricted the right to protest, in contravention of their international human rights obligations,' with a citation inserted to Jewish Council of Australia, Submission No. 46.
30. That a paragraph be inserted after proposed Recommendation 7, with the words: 'Policy, education and community-led initiatives should work alongside legal frameworks to reduce hate speech and strengthen inclusion,' with a citation inserted to Australian Human Rights Commission, Submission No. 102.
31. That the following words be inserted after amendment number 30: 'Prohibiting an arbitrary list of words and slogans will not enhance social cohesions and community safety. In fact, further limiting the ability of some citizens to express their concerns about injustice and oppression will potentially increase division and disengagement,' with a citation inserted to Labor Friends of Palestine, Submission No. 154.
32. That the following words be inserted after amendment number 31: '...overreliance on expanding criminal laws and police powers serves to increase mistrust of government and government agencies within over policed and over criminalised communities, and exacerbates the marginalisation, social exclusion and stigmatisation of minority groups,' with a citation inserted to Aboriginal Legal Service, Submission No. 104.

Mr Toole noted his support of amendment number 6.

The question was put. The Committee divided.

Ayes: Adjunct Professor Smith

Noes: Mr Atalla, Dr McDermott, Ms Stuart, Mr Toole, Mr Vo.

Question resolved in the negative.

Resolved, on the motion of Dr McDermott:

- That Paragraph 2.13 be omitted as follows: 'Arrests have also been made in the United Kingdom under racially aggravated public order offences, as explained in Chapter Three. However, the outcome of these arrests is not yet known at the time of writing. Additionally, many of the phrases causing fear in Jewish communities have previously failed to meet prosecution thresholds.'
- That Paragraph 3.19 be omitted as follows: 'However, the Committee also notes that, at the time of writing, the outcome of these arrests is not yet known. In the absence of a successful prosecution, it is not currently clear whether the phrase "globalise the intifada", in and of itself, would meet the existing thresholds for conviction under the Public Order Act.'
- That a new Paragraph 3.19 be inserted as follows: 'The Committee also notes that charges have now been brought against the individuals, in relation to the arrests that were made in December 2025. The Metropolitan Police said that its investigation took into account the 'intifada' chant, as well as other chanting heard during the protest, and that the charges reflect 'the totality of the alleged offending on that evening'. The Crown Prosecution Service decision to charge reflects the fact that there was sufficient evidence to bring the case to court, and that it was in the public interest to pursue criminal proceedings. The defendants are expected to appear in court on 23 February 2026, but until then, it is still not clear whether the phrase would meet the threshold for conviction under the Public Order Act.'

Dr McDermott moved that:

1. That the draft report, as amended, be the report of the Committee and that it be signed by the Chair and presented to the House.
2. That the Chair and Committee staff be permitted to correct stylistic, typographical and grammatical errors.
3. That, once tabled, the report be posted on the Committee's webpage.

The question was put. The Committee divided.

Ayes: Mr Atalla, Dr McDermott, Ms Stuart, Mr Vo.

Noes: Adjunct Professor Smith, Mr Toole.

The question was resolved in the affirmative.

The Committee noted arrangements for the tabling of the report and the take note speech.

**3. General business**

The Committee noted that Committee staff would circulate an update regarding the Committee's inquiry into measures to combat right-wing extremism.

**4. Next meeting**

The meeting adjourned at 4.24pm until 1.30pm, 5 February 2026.

## Appendix Five – Offences under the *Public Act 1986 (UK)*

Section	Key elements	Max. penalty
<b>General public order offences</b>		
<a href="#">5 - Harassment, alarm or distress</a>	<ul style="list-style-type: none"> <li>• <b>Threatening or abusive</b> words or behaviour, or disorderly behaviour, OR display of any writing, sign or visible representation that is threatening or abusive, <b>and</b></li> <li>• Must be <b>within hearing or sight</b> of a person who is likely to experience harassment, alarm or distress, <b>and</b></li> <li>• Must <b>intend</b> to be threatening or abusive, <b>or be aware</b> that conduct may be threatening or abusive.<sup>134</sup></li> </ul>	Fine not exceeding £1000
<a href="#">4A - Intentional harassment, alarm or distress</a>	<ul style="list-style-type: none"> <li>• <b>Threatening, abusive or insulting</b> words or behaviour or disorderly behaviour, OR display of any writing, sign or visual representation that is threatening, abusive or insulting, <b>and</b></li> <li>• Must <b>intend</b> to cause harassment, alarm or distress</li> </ul>	Imprisonment of up to 6 months and/or a fine, or imprisonment of up to 2 years if racially or religiously aggravated. <sup>135</sup>
<a href="#">4 - Fear or provocation of violence</a>	<ul style="list-style-type: none"> <li>• <b>Threatening, abusive or insulting</b> words or behaviour, OR distribution or display of any writing, sign or visual representation that is threatening, abusive or insulting, <b>and</b></li> <li>• Must be <b>used towards another person, and</b></li> <li>• Must <b>intend</b> to cause that person to believe that immediate unlawful violence will be used, or to provoke the immediate use of unlawful violence by that person or another, OR the person is <b>likely to believe</b> that such violence will be used or is likely to be provoked.</li> </ul>	
<b>Part 3: Acts intended or likely to stir up racial hatred</b>		
<a href="#">18 – Use of words or behaviour or display of written material</a>	<ul style="list-style-type: none"> <li>• <b>Threatening, abusive or insulting</b> words or behaviour OR display of written material that is threatening, abusive or insulting, <b>and</b></li> <li>• Must <b>intend to stir up</b> racial hatred, OR racial hatred is <b>likely to be stirred up</b>, having regard to the circumstances.</li> </ul>	Imprisonment of up to 7 years. <sup>136</sup>
<b>Part 3: Acts intended or likely to stir up religious hatred</b>		
<a href="#">29B – Use of words or behaviour or display of written material</a>	<ul style="list-style-type: none"> <li>• <b>Threatening</b> words or behaviour OR display of written material which is threatening, <b>and</b></li> <li>• Must <b>intend to stir up</b> religious hatred.</li> </ul>	Imprisonment term of up to 7 years. <sup>137</sup>

<sup>134</sup> Public Order Act 1986, [s 6\(4\)](#).

<sup>135</sup> Crime and Disorder Act 1998, [s 31\(4\)](#).

<sup>136</sup> Public Order Act 1986, [s 27](#).

<sup>137</sup> Public Order Act 1986, [s 27](#).