



## **AUSTRALIAN NATIONAL IMAMS COUNCIL (ANIC)**

### **Submission to the NSW Legislative Assembly Committee on Law and Safety**

#### **Inquiry into Measures to Prohibit Slogans that Incite Hatred**

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## **1. Introduction**

The Australian National Imams Council welcomes the opportunity to provide this submission.

ANIC is the peak representative body of Imams and Muslim religious leadership in Australia, comprising more than 350 Imams across all states and territories, with the largest representation in New South Wales. ANIC represents the broader interests of the Australian Muslim community at the national and state levels, providing religious leadership, community advocacy, education, and interfaith engagement.

ANIC expresses concern that proposals to prohibit or criminalise specific political slogans risk undermining democratic and religious freedoms, constitutional principles, and social cohesion, without any demonstrated benefit to public safety. Measures of this kind are likely to disproportionately affect Muslim Australians, including Palestinian and Arab communities.

At present, no complete list of slogans under consideration has been published. The absence of clarity increases the risk of inconsistent or disproportionate enforcement and reinforces the necessity of relying on existing laws, which target harmful conduct rather than political language.

## **2. ANIC's Position**

ANIC's position is as follows:

- Existing NSW and Commonwealth laws prohibit incitement to violence, threats, intimidation, vilification, and public disorder.
- Misinterpretation and one-sided interpretation of slogans, when prohibited without proper regard to context, intent, or conduct, is unnecessary, legally questionable, and risks discriminatory outcomes. The slogans referenced in this



inquiry do not have a single or fixed meaning and are employed in a variety of political, cultural, and human rights contexts.

- Content based bans risk arbitrary enforcement and may disproportionately impact particular communities and advocates.
- Such measures are more likely to undermine social cohesion and public confidence than to enhance safety.

ANIC does not support slogan-specific bans or the creation of new speech based offences.

### **3. Importance of Context**

Political expression, including protest slogans, must be assessed in context. Language that is emotive, confronting, or controversial does not, by itself, constitute incitement.

Australian law requires consideration of intent, surrounding conduct, audience, and likelihood of harm. Measures that rely solely on the content of words risk serious and unfair prosecution and depart from these established legal principles. Banning words in isolation represents a shift from conduct-based law to content-based regulation. Once meaning or interpretations are determined by executive discretion, the safeguards of intent, context, and actual harm are lost, creating the risk of disproportionate and inconsistent enforcement.

Concerns also arise regarding police prosecution and the practical application of any slogan-specific prohibition. Laws that depend on the interpretation of isolated words place frontline police officers in the position of determining political meaning, intent, and legality in fast-moving protest environments. This creates a real risk of inconsistent application, over-policing, and discretionary enforcement based on subjective interpretation rather than clear conduct. Such an approach exposes individuals to serious and unfair prosecution, increases the likelihood of selective enforcement against



particular communities, and undermines public confidence in law enforcement neutrality and the rule of law.

#### **4. Community Cohesion**

Measures perceived as targeting particular political viewpoints, languages, or communities risk exacerbating division and undermining trust in public institutions.

Muslim, Arab, and Palestinian communities are experiencing heightened scrutiny and stress. There is no evidence that slogans used at pro-Palestinian demonstrations in New South Wales have resulted in violence or threats to public safety.

#### **5. Meaning of the Referenced Slogans**

The slogans cited in the Terms of Reference for this inquiry and referenced in recent reports do not carry a single, fixed, or inherently violent meaning.

The term “*intifada*” in Arabic means “uprising” or “shaking off” and has historically described a range of resistance activities, including non-violent civil action, with its meaning depending entirely on context. The phrase “*from the river to the sea*” has been used by diverse political actors and civil society organisations. Advocacy for Palestinian rights, including political positions critical of Israel or anti-Zionist expression, does not, in itself, constitute antisemitism and must be assessed in context rather than being automatically equated with hatred toward Jewish people.

Australian courts have affirmed that criticism of Israel, Zionism, or Israeli government policy does not, of itself, constitute antisemitism and must be clearly distinguished from hatred or vilification of Jewish people. In *Wertheim v Haddad*, the Federal Court of Australia recognised that opposition to a nation-state, its ideology, or its political actions is a form of lawful political expression, and that such criticism only becomes unlawful where it meets the statutory threshold of inciting hatred, serious contempt, or severe ridicule against people on the basis of race or religion. This established judicial principle



underscores the importance of protecting robust political debate while maintaining clear legal boundaries against genuine antisemitism.

Distinguishing between advocacy of violence and political expression relating to human rights is essential. These slogans often reference fundamental rights under international law, including the right to self-determination and safety.

Advocacy relating to Palestinian rights, including calls for freedom and an end to occupation, aligns with established international law and long-standing Australian government positions. The Australian Government consistently refers to the West Bank, East Jerusalem, and Gaza as the Occupied Palestinian Territories, reflecting bipartisan recognition that these areas are not sovereign Israeli territory. Expression of support for recognised legal rights or reference to land under occupation cannot reasonably be characterised as incitement or hatred on that basis alone.

International law clearly affirms these principles. The right of the Palestinian people to self-determination is recognised in UN General Assembly Resolution 3236 (1974), and the right of refugees to return is reaffirmed in Resolution 194 (1948). The occupation of East Jerusalem, the West Bank, and Gaza has been declared unlawful under international law, including in the International Court of Justice Advisory Opinion (2024), and the establishment of settlements in occupied territory contravenes Article 49 of the Fourth Geneva Convention. Taken together, these instruments confirm that advocacy for freedom, equality, and an end to occupation is consistent with international human rights law and does not, in itself, constitute violent or hateful speech.

## **6. Legal Considerations**

Any law prohibiting specific political slogans would burden political communication on matters of public concern.



To be constitutionally valid, such a burden must be necessary, proportionate, and demonstrably justified. ANIC is not satisfied that slogan-specific bans meet this standard. Existing laws already address harmful conduct.

Content-based prohibitions raise rule-of-law concerns, including uncertainty, inconsistent enforcement, and restriction of lawful protest, journalism, religious expression, and advocacy.

Religious expression, including advocacy through sermons, lectures, and teaching on social justice or human rights, must be protected, including the quoting of verses from scriptures and other sacred texts. Measures that target specific words risk restricting lawful religious discourse and the public engagement of faith leaders.

## **7. Existing Laws Are Sufficient**

NSW and Commonwealth legislation provide mechanisms to address genuine harm, including:

- Incitement to violence
- Threats and intimidation
- Advocacy of terrorism
- Racial and religious vilification
- Public order offences

These laws permit contextual assessment and proportionate enforcement. There is no demonstrated need for additional speech-based offences.

## **8. Impact on Community Wellbeing**

Peaceful protests and lawful political expression are fundamental to democratic participation and community wellbeing.



Restrictions on such expression without clear necessity discourage civic engagement, deepen marginalisation, and weaken trust between communities and institutions.

Measures targeting specific slogans are likely to escalate enforcement in protest settings, creating tension and undermining long-term public safety.

## **9. Recommendations**

ANIC recommends that the Committee:

- Reject the introduction of slogan specific bans
- Reaffirm that alleged incitement must be assessed in context
- Rely on existing criminal and public order laws to address genuine threats or harm
- Avoid measures that risk discriminatory or uneven application
- Promote education, dialogue, and community-led approaches to addressing hatred and social tension
- Recognise and protect political expression arising from social and religious advocacy, including sermons, lectures, and other forms of faith-based teaching

## **10. Conclusion**

ANIC supports effective action against genuine incitement to violence and hatred. and notes that comprehensive NSW and Commonwealth laws already exist to address such conduct.

Criminalising political expression by reference to specific slogans is unnecessary, legally problematic, and risks disproportionate impact on particular communities. It undermines civic engagement, trust in institutions, and social cohesion.



A measured, evidence based approach grounded in democratic principles offers the most effective means of protecting public safety while safeguarding fundamental freedoms.

Engage meaningfully with affected communities, legal experts, and civil society organisations before considering any reforms that may burden political or religious expression.

ANIC thanks the Legislative Assembly Committee on Law and Safety for the opportunity to make submissions on these critical issues. We will be pleased to address any matters raised in this submission if the Commission requires it.

**Australian National Imams Council (ANIC)**