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15 August 2025

The Honourable John Sackar AM KC
Review of criminal law protections against the incitement of hatred
Independent Review Secretariat
Policy Reform and Legislation
NSW Department of Communities and Justice
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Dear Mr Sackar,

Review of criminal law protections against the incitement of hatred

1. The NSW Bar Association thanks you for the opportunity to make a submission to the “Review of criminal law protections against the incitement of hatred” commissioned by the NSW Attorney General. This submission responds to aspects of the Issues Paper published for comment.

Context for the Review

2. Upon commencement, the *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW) will insert a new section 93ZAA into the *Crimes Act 1900* (NSW), which provides for an offence of publicly inciting hatred on the ground of race. During the second reading speech for the Crimes Amendment (Inciting Racial Hatred) Bill 2025, the NSW Attorney General, the Hon. Michael Daley MP, stated that:¹

“Our Government acknowledges that hate speech based on other attributes—such as those we see in section 93Z that include religion, sexual orientation or gender identity—occurs and condemns it. We will continue to look at how laws in New South Wales can be improved to address hate speech based on other attributes and promote social cohesion... The introduction of this bill does not preclude the Government from bringing forward legislation to address hate speech based on other attributes. To help us consider this further, I am pleased to announce that our Government will establish a review into the criminal law protections against hatred introduced by this bill and, in particular, the sufficiency of protections against hatred for people involved in vulnerable communities in our State.”

3. On 8 May 2025, the Attorney General announced your appointment to “review criminal law hate speech protections for vulnerable communities”.² It was announced that this review was to “examine whether existing protections are sufficient and recommend any possible improvements, following the passage of the *Crimes Amendment (Inciting Racial Hatred) Act 2025* criminalising the intentional

¹ The Hon. Michael Daley MP, “Crimes Amendment (Inciting Racial Hatred) Bill 2025”, Second reading speech, NSW Legislative Assembly, Parliamentary Debates, Hansard, 18 February 2025, 14.

² The Hon. Michael Daley MP, “Review into hate speech protections for vulnerable communities”, Media Release, 8 May 2025.



incitement of racial hatred.”³ The Association notes that those who do not support a criminal offence for inciting hatred, such as the uncommenced section 93ZAA of the *Crimes Act 1900* (NSW), are unlikely to support an expansion of its scope. It was reported that the NSW Premier has stated that the NSW Government would not be seeking to repeal the *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW).⁴

4. In this policy area, there has been, and continues to be, a substantial number of reviews, inquiries, and legislative reforms, at both NSW and Commonwealth level including:
- a) The NSW Law Reform Commission’s review of “Serious racial and religious vilification”, dated September 2024, and the *Crimes Amendment (Prosecution of Certain Offences) Act 2023* (NSW). The amending Act enabled prosecutions under section 93Z of the *Crimes Act 1900* (NSW) to be commenced by the Director of Public Prosecutions (DPP) or a police officer.⁵ Previously, such prosecutions could not be commenced without the approval of the DPP. This amendment commenced on 1 January 2024 and sunsets on 1 January 2026 unless the NSW Parliament intervenes to retain the amendment, which was recommended by a statutory review.⁶
 - b) The NSW Law Reform Commission’s current review of the *Anti-Discrimination Act 1977* (NSW).
 - c) The NSW Legislative Council’s Portfolio Committee No. 5 - Justice and Communities’ current inquiry into “Antisemitism in New South Wales”.
 - d) The *Crimes Amendment (Inciting Racial Hatred) Act 2025* (NSW), which is examined below.
 - e) The *Crimes Amendment (Places of Worship) Act 2025* (NSW), which amended the *Crimes Act 1900* (NSW) to provide for an offence in relation to persons blocking, impeding, hindering or taking certain other actions in relation to persons accessing or leaving places of worship.⁷ This amending Act also amended the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) to authorise police officers to issue move on directions, in certain circumstances, in relation to demonstrations, protests, processions or organised assemblies occurring in or near places of worship.⁸
 - f) The *Crimes Legislation Amendment (Racial and Religious Hatred) Act 2025* (NSW), which provided for an aggravated offence of displaying a Nazi symbol⁹; clarified the scope of the aggravating factor on sentence in relation to conduct motivated by hate or prejudice¹⁰; and provided for an aggravated graffiti offence to apply in relation to graffiti on places of worship¹¹.
 - g) The *Criminal Code Amendment (Hate Crimes) Act 2025* (Cth), which expanded the scope of offences for urging violence against groups or members of groups and for publicly displaying prohibited symbols¹²; and provided for new offences in relation to threats of force or violence

³ Ibid.

⁴ Joshua Boscaini and Danuta Kozaki, “Chris Minns defends rushing hate speech laws through state parliament”, Australian Broadcasting Corporation, 13 March 2025.

⁵ Schedule 1[1] and [3], *Crimes Amendment (Prosecution of Certain Offences) Act 2023* (NSW).

⁶ NSW Department of Communities and Justice, “*Crimes Amendment (Prosecution of Certain Offences) Act 2023* – Statutory Review”, May 2025, [10], [12], recommendation 2.

⁷ Section 214B, *Crimes Act 1900* (NSW).

⁸ Subsection 200(5), *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW).

⁹ Section 93ZA, *Crimes Act 1900* (NSW).

¹⁰ Subsection 21A(2)(h) of the *Crimes (Sentencing Procedure) Act 1999* (NSW).

¹¹ Subsection 4(6), *Graffiti Control Act 2008* (NSW).

¹² Sections 80.2A, 80.2B, 80.2H, 80.2HA, and 80.2K, *Criminal Code Act 1995* (Cth).



against groups or members of groups or property.¹³ The amending act also provided for mandatory minimum penalties for a range of offences.¹⁴

5. Much of this policy activity has, to a substantial extent, been initiated with the aim of addressing or deterring increasing incidents of antisemitism or responding to dissatisfaction with the underutilisation of existing offences in response to antisemitism.¹⁵ Australia's Special Envoy to Combat Antisemitism, Ms Jillian Segal AO, has stated that "From October 2023 to September 2024, antisemitic incidents surged by 316%, with over 2,000 cases reported – threats, assaults, vandalism and intimidation."¹⁶ Australian governments have been right to consider what measures may be appropriate to reduce incidents of antisemitism. The Association expressed its concern about the increase in incidents of antisemitism in a statement dated 12 December 2024.¹⁷
6. In January 2025, a high-profile antisemitic incident involving a caravan in Dural containing explosives was initially described as a "potential mass casualty event"¹⁸ but was later found to have been fabricated in an attempt to manipulate the justice system.¹⁹ It was not known to the public that this incident was fabricated until 10 March 2025, when the Australian Federal Police and the NSW Police Force revealed the conclusions of the NSW Joint Counter Terrorism Team investigating the incident.²⁰ This sequence of events, and the passage of relevant bills through the Parliament in the interim period, led to the establishment of the Legislative Council's current Select Committee inquiry into the "Relationship between the Dural Caravan Incident and the Passage of Relevant Bills through the Legislative Council".²¹

¹³ Sections 80.2BA, 80.2BB, 80.2BC, 80.2BD, 80.2BE, *Criminal Code Act 1995* (Cth).

¹⁴ Section 16AAA, *Crimes Act 1914* (Cth).

¹⁵ The Hon. Chris Minns MP and the Hon. Mark Speakman SC MP, "Antisemitism", Ministerial Statement, NSW Legislative Assembly, Parliamentary Debates, Hansard, 11 February 2025, 3-5. The Hon. Michael Daley MP, "Crimes Legislation Amendment (Racial and Religious Hatred) Bill 2025", Second reading speech, NSW Legislative Assembly, Parliamentary Debates, Hansard, 11 February 2025, 23-24; The Hon. Michael Daley MP, "Crimes Amendment (Places of Worship) Bill 2025", Second reading speech, NSW Legislative Assembly, Parliamentary Debates, Hansard, 11 February 2025, 24-26; The Hon. Michael Daley MP, "Crimes Amendment (Inciting Racial Hatred) Bill 2025", Second reading speech, NSW Legislative Assembly, Parliamentary Debates, Hansard, 18 February 2025, 13-15; The Hon Tony Burke MP, "Criminal Code Amendment (Hate Crimes) Bill 2024", Second reading debate, In reply, Commonwealth Parliament, Hansard, 5 February 2025, 290-291; NSW Law Reform Commission, "Serious racial and religious vilification", Report 151, September 2024, 1.7.

¹⁶ Jillian Segal AO, "Special Envoy's Plan to Combat Antisemitism - A policy-oriented framework for government and the Australian community", Australia's Special Envoy to Combat Antisemitism, July 2025, 2.1.

¹⁷ NSW Bar Association, "Statement from the President of the New South Wales Bar Association on Antisemitism", Media Statement, 12 December 2024.

¹⁸ Paul Karp, "Explosives in Dural a potential 'mass casualty' antisemitic attack", Australian Financial Review, 29 January 2025.

¹⁹ Australian Federal Police, "AFP Deputy Commissioner National Security Krissy Barrett: statement on Operation Kissinger", Media Statement, 10 March 2025; Legislative Council, "Select Committee on the Relationship between the Dural Caravan Incident and the Passage of Relevant Bills through the Legislative Council", Report on Proceedings, Committee Hearing of 7 April 2025, 2-3.

²⁰ Ibid; Sam Nichols, "Police say Sydney's Dural caravan incident was 'fabricated terrorist plot'", Australian Broadcasting Corporation, 10 March 2025.

²¹ The Hon. Rod Roberts MLC, "Select Committee on the Relationship Between the Dural Caravan Incident and Parliamentary Debates on Legislation", Legislative Council, Parliamentary Debates, Hansard, 19 March 2025, 46-52.



7. This incident does not invalidate community concerns about genuine incidents of antisemitism; however, it does demonstrate the importance of allowing sufficient time for law enforcement to investigate matters to facilitate more informed consideration of what may be an appropriate response, including any proposed legislative reforms.

Terms of reference

8. Certain issues have been expressly excluded from consideration by the Review.²² These include:²³
 - a) Any potential reforms to section 93Z of the *Crimes Act 1900* (NSW), which “criminalises threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status”.
 - b) The civil vilification protections in the *Anti-Discrimination Act 1977* (NSW) “that protect against public acts that incite hatred, serious contempt or severe ridicule towards a person or group, based on specific protected attributes”.
9. The fragmented nature of various reviews, inquiries, and legislative reforms undermines the realisation of a coherent and co-ordinated strategy to enhance social cohesion. Such a strategy should recognise the respective roles and limitations of the criminal and civil law, and non-legislative programs and initiatives.

Hate-based conduct

10. All people in NSW should be able to participate in the social, economic, and political life of the state and hate-based conduct needs to be addressed to prevent this aim from being undermined. NSW is a diverse community. More than 275 different languages are spoken, 144 religions are practised, and just over a quarter (26.7%) of NSW residents were born overseas.²⁴
11. NSW should be alert to the potential circumstances that may give rise to hate-based conduct so that they may be identified and addressed through appropriate measures that would assist in building social cohesion.²⁵ The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) identified through consultation certain circumstances in which hatred may arise, including²⁶:
 - a) the presence of cultural ignorance and assumptions based on stereotypes;
 - b) negative responses to visible markers of a person’s identity (e.g. religious garments, flags, skin colour);
 - c) the prevalence of systemic social issues such as gender inequality, fear, and general bigotry; and
 - d) political commentary and media reporting that drive or reinforce negative stereotypes about marginalised communities.

²² NSW Department of Communities and Justice, “Summary of issues for consultation”, Issues Paper, Review of criminal law protections against the incitement of hatred, June 2025, 2.

²³ Ibid.

²⁴ NSW Government, “Key facts about NSW”, <<https://www.nsw.gov.au/about-nsw/key-facts-about-nsw>>

²⁵ The limitations of criminal law reform in this respect are considered at [14] – [18].

²⁶ Victorian Equal Opportunity and Human Rights Commission, “Submission to the Parliamentary Inquiry into Anti-Vilification Protections”, 2020, 30-31.



12. While there may be increases in particular types of hate, coinciding with events such as conflict in the Middle East,²⁷ it is important that meritorious reforms and initiatives aim to protect all vulnerable groups, including those characterised by a particular religion, sexual orientation or gender identity.
13. Increasing the protection of all vulnerable groups from hatred is an appropriate end; however, not all measures will be an appropriate means of achieving that end.

Role of the criminal law

14. The role of the criminal law in deterring hate-based conduct can be overstated.²⁸ The criminal law is a blunt tool that cannot possibly address the complex historical, social, cultural, and political factors that may be influencing hate-based conduct.²⁹
15. Any plan to improve social cohesion should not be focused on the expansion of police powers or criminal offences or increases in criminal penalties. There is a range of existing police powers and criminal offences, which may, depending upon the circumstances, apply to those engaging in acts motivated by hatred, including, but not limited to:
 - a) *Crimes Act 1900* (NSW)
 - i) Sending documents containing threats (s 31);
 - ii) Assault occasioning actual bodily harm (s 59);
 - iii) Common assault prosecuted by indictment (s 61);
 - iv) Riot (s 93B);
 - v) Affray (s 93C);
 - vi) Publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status (s 93Z);
 - vii) Displaying Nazi symbols (s 93ZA);
 - viii) Publicly inciting hatred on ground of race (s 93ZAA) (once commenced);
 - ix) Destroying or damaging property (s 195);
 - x) Threatening to destroy or damage property (s 199);
 - xi) Intimidation or annoyance by violence or otherwise (s 545B).
 - b) *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)
 - i) Powers to give directions (Part 14; s 200(5)).
 - c) *Crimes (Domestic and Personal Violence) Act 2007* (NSW)
 - i) Stalking or intimidation with intent to cause fear of physical or mental harm (s 13);
 - d) *Summary Offences Act 1988* (NSW)
 - i) Offensive conduct (s 4);
 - ii) Offensive language (s 4A).

²⁷ Joshua Boscaini, "Protracted war in Gaza partly to blame for 'unprecedented' wave of Australian antisemitic attacks, experts say", Australian Broadcasting Corporation, 3 February 2025.

²⁸ NSW Law Reform Commission, "Serious racial and religious vilification", Report 151, September 2024, [3.54] – [3.77].

²⁹ NSW Bar Association, Submission to the NSW Law Reforms Commission's "Review of the effectiveness of section 93Z of the *Crimes Act 1900* (NSW) in addressing serious racial and religious vilification in NSW", May 2024, [50].



e) *Criminal Code Act 1995* (Cth)

- i) Advocating force or violence against groups (80.2A) or members of groups or close associate (s 80.2B);
- ii) Threatening force or violence against groups (s 80.2BA) or members of groups or close associates (s 80.2BB);
- iii) Advocating (s 80.2BC) or threatening (s 80.2BD) damage to or destruction of real property or motor vehicle;
- iv) Advocating force or violence through causing damage to property (s 80.2BE);
- v) Advocating terrorism (80.2C);
- vi) Advocating genocide (80.2D);
- vii) Public display of prohibited Nazi symbols or giving Nazi salute (s 80.2H);
- viii) Public display of prohibited terrorist organisation symbols (s 80.2HA);
- ix) Directions to cease display of prohibited symbols in public (s 80.2K);
- x) Using a carriage service to make a threat (s 474.15);
- xi) Using a carriage service to menace, harass or cause offence (s 474.17).

16. It is also important to note that the motivation of an offender may be taken into account as an aggravating factor on sentence. If an “offence was partially or wholly motivated by hatred for or prejudice against a group of people to which the offender believed the victim belonged (such as people of a particular religion, racial or ethnic origin, language, gender identity, sexual orientation or age, or having particular variations of sex characteristics or a particular disability)”, subsection 21A(2)(h) of the *Crimes (Sentencing Procedure) Act 1999* (NSW) allows this to be taken into account as an aggravating factor on sentence. The examples listed in parentheses in subsection 21A(2)(h) are not an exhaustive list.³⁰ In *Holloway v R* [2011] NSWCCA 23, Hall J (with whom James and Price JJ agreed) said at [32]:

“In any multi-cultural society, criminal acts involving racial violence ought to be strongly deterred and this fact taken into account in a case such as the present when sentencing an offender in respect of such conduct: *Crimes (Sentencing Procedure) Act 1999*, s.21A(2)(h).”

17. The Association’s view is that further criminal law reforms are not currently necessary to address the incitement of hatred. As outlined below, the Association does not support the uncommenced section 93ZAA of the *Crimes Act 1900* (NSW).
18. Given the extensive nature of existing criminal law offences, there should be a greater focus on the development and funding of other measures directed at addressing the potential drivers of hate-based conduct. This may include non-legislative measures³¹ or civil law reforms, including those that may be recommended by the NSW Law Reform Commission. Social cohesion will not be enhanced by the unilateral implementation and utilisation of criminal law reforms. A co-ordinated strategy is required that considers how all potential measures may be utilised to protect vulnerable groups.

³⁰ *Dunn v R* [2007] NSWCCA 312 at [32].

³¹ See, for example: NSW Government, “Minns Government announces \$1m to address impacts of Islamophobia”, Media Release, 15 August 2025.



Crimes Amendment (Inciting Racial Hatred) Act 2025 (NSW)

19. Upon commencement, the *Crimes Amendment (Inciting Racial Hatred) Act 2025 (NSW)* will insert a new section 93ZAA into the *Crimes Act 1900 (NSW)*, which provides for an offence of publicly inciting hatred on the ground of race. A person commits this offence if:
- “(a) the person, by a public act, intentionally incites hatred towards another person or a group of persons on the ground of race, and
- (b) the public act would cause a reasonable person who was the target of the incitement of hatred, or a reasonable person who was a member of a group of persons that was the target of the incitement of hatred, to—
- (i) fear harassment, intimidation or violence, or
- (ii) fear for the reasonable person’s safety.”
20. The offence has a maximum penalty, in relation to an individual, of 100 penalty units (\$11,000) or imprisonment for 2 years, or both and in relation to a corporation, 500 penalty units (\$55,000).
21. The Association does not support the uncommenced offence of publicly inciting hatred on the ground of race.³²
22. As you are aware, the NSW Law Reform Commission, chaired by former Chief Justice of NSW, the Hon Tom Bathurst AC KC, recently reviewed the effectiveness of section 93Z of the *Crimes Act 1900 (NSW)* in addressing serious racial and religious vilification in NSW. Section 93Z provides that it is an offence for a person who, by a public act, intentionally or recklessly threatens or incites violence towards another person or a group of persons on various grounds, including but not limited to, the person’s race or religion.³³
23. The Commission’s report, dated September 2024 and tabled in the NSW Parliament in November 2024, stated that “[w]e do not recommend introducing new vilification offences, or expanding s 93Z of the *Crimes Act 1900 (NSW)*, to criminalise inciting hatred or other vilifying conduct that is not already covered by s 93Z.”³⁴ In reaching this conclusion, the Commission raised concerns that terms such as “hatred” introduce “imprecision and subjectivity into the criminal law”, which demands clarity and consistency and has a higher standard of proof than the civil law.³⁵ It must also be noted that incitement to hatred is a lower threshold than incitement to violence. The Commission also considered an objective harm-based test, which would focus on an act’s likely effect on targeted individuals and groups.³⁶ The Commission did not recommend such a test, which would not be suitable for the criminal law, especially given the absence of a mental element, the uncertainty as to what conduct is being prohibited, and the potential to over-criminalise disadvantaged groups.³⁷

³² NSW Bar Association, “Statement on law reform to address antisemitism”, Media Statement, 19 February 2025; Uncommenced section 93ZAA, *Crimes Act 1900 (NSW)*.

³³ Subsection 93Z(1), *Crimes Act 1900 (NSW)*.

³⁴ NSW Law Reform Commission (n 28) 45.

³⁵ Ibid, [4.30] – [4.40].

³⁶ Ibid, [4.55] – [4.70].

³⁷ Ibid, [4.60] – [4.70].



24. The Association shares the relevant concerns expressed by the Commission. In particular, the Association is concerned that the uncommenced section 93ZAA of the *Crimes Act 1900* (NSW) is an imprecise criminal offence, with a lower threshold than section 93Z and a maximum penalty of imprisonment for two years, and applies in relation to circumstances that are more appropriately dealt with by the civil law.³⁸
25. Given the above concerns, the Association does not support this offence or its expansion to grounds beyond race.

Validity of reforms and impact on human rights

26. Reform in this area, and in other areas, should be considered in light of its potential impact on the enjoyment of human rights. This should encompass both a reform's potential to assist in the promotion of human rights, as well as its potential to interfere with the enjoyment of human rights.
27. Relatedly, it is essential that legislative reforms be constitutionally valid. Depending upon the circumstances, certain limitations on legislative power may apply.
28. The High Court of Australia has recognised an implied freedom of political communication in the Australian Constitution.³⁹ This is not an individual right but a limitation on legislative power.⁴⁰ The test for legislative invalidity is as follows:⁴¹

“1. Does the law effectively burden the implied freedom in its terms, operation or effect?

2. If “yes” to question 1, is the purpose of the law legitimate, in the sense that it is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government?

3. If “yes” to question 2, is the law reasonably appropriate and adapted to advance that legitimate object in a manner that is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government?”

29. NSW reforms restricting political communication risk being declared unconstitutional in whole or in part. After applying the above test in *Kvelde v State of New South Wales* [2023] NSWSC 1560, the Supreme Court of NSW declared parts of subsection 214A(1) of the *Crimes Act 1900* (NSW) to be invalid.

³⁸ See: sections 20C, 38S, 49ZE, 49ZT, 49ZXB, *Anti-Discrimination Act 1977* (NSW); NSW Law Reform Commission, n13, [4.49] – [4.54].

³⁹ *Australian Capital Television Pty Ltd & New South Wales v Commonwealth* [1992] HCA 45; *Nationwide News Pty Ltd v Wills* [1992] HCA 46; *Lange v Australian Broadcasting Corporation* [1997] HCA 25; *Unions NSW v New South Wales* [2013] HCA 58; *McCloy v New South Wales* [2015] HCA 34; *Brown v Tasmania* [2017] HCA 43; *Clubb v Edwards*; *Preston v Avery* [2019] HCA 11.

⁴⁰ *Clubb v Edwards*; *Preston v Avery* [2019] HCA 11 at [8].

⁴¹ *Ibid*, at [5] citing *McCloy v New South Wales* [2015] HCA 34 at [2] as modified by *Brown v Tasmania* [2017] HCA 43 at [104]. See also: *Brown v Tasmania* [2017] HCA 43 at [155]–[156], [277], [481].



30. International human rights instruments, to which Australia is a party, recognise that individuals have, among other things:
- a) the right to freedom of religion or belief and the right to manifest their religion or belief in teaching, practice, worship, and observance.⁴² While this right is often couched in terms of the freedom '[t]o worship or assemble in connection with a religion or belief',⁴³ it also protects religious places, sites and shrines;⁴⁴ and
 - b) the right to freedom of opinion and expression and the right to freedom of peaceful assembly.⁴⁵
31. That two human rights may conflict is not novel. When considering the tension between conflicting rights, the following principles, summarised by the Ontario Human Rights Commission, may provide a useful conceptual basis to resolve that tension⁴⁶:
- a) No rights are absolute.
 - b) There is no hierarchy of rights.
 - c) Rights may not extend as far as claimed.
 - d) The full context, facts and constitutional values at stake must be considered.
 - e) Look at the extent of interference (only actual burdens on rights trigger conflicts).
 - f) The core of a right is more protected than its periphery.
 - g) Aim to respect the importance of both sets of rights.
 - h) Statutory defences may restrict rights of one group and give rights to another.
32. Following consideration of the amendments in the Crimes Amendment (Places of Worship) Bill 2025, the Association concluded that the amendments may be seen to strike an appropriate balance between the right to freedom of religion and the right to freedom of expression.⁴⁷ This was a general policy conclusion, which did not concern the constitutionality of the reforms.
33. The Association does not support the uncommenced offence of publicly inciting hatred on the ground of race, or its expansion, because it is an offence unsuited to the criminal law for the reasons stated earlier in this submission. These reasons do not speak to the constitutionality of the reforms.

Conclusion

34. Thank you for the opportunity to make a submission to the "Review of criminal law protections against the incitement of hatred" and for your consideration of the issues we have raised.

⁴² Article 18, Universal Declaration of Human Rights; Article 18, International Covenant on Civil and Political Rights; and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

⁴³ Article 6(a), 1981 Declaration of the United Nations General Assembly. See also paragraph 4(d), United Nations Commission on Human Rights resolution 2005/40; paragraph 9(g), United Nations Human Rights Council resolution 6/37; and paragraph 12(g), United Nations General Assembly resolution 65/21.

⁴⁴ Article 9(e), United Nations Human Rights Council resolution 6/37.

⁴⁵ Article 19, International Covenant on Civil and Political Rights.

⁴⁶ Ontario Human Rights Commission, "Policy on competing human rights", 2012, 18, which cites Reema Khawja, "The shadow of the law: Surveying the case law dealing with competing rights claims", Ontario Human Rights Commission, 2012.

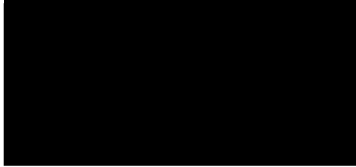
⁴⁷ NSW Bar Association (n 32).



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35. If you require any further information, please contact [REDACTED]
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Yours sincerely,



Dominic Toomey SC
President