



THE SECULAR ASSOCIATION OF NSW INC

Established as the Rationalist Association of NSW
1912

The Honourable John Sackar AM KC
PRL Independent Review Secretariat
Department of Communities and Justice
Government of NSW

Dear Mr Sackar

We thank the PRL Independent Review Secretariat for this opportunity to provide input for the Review of criminal law protections against the incitement of hatred.

These views expressed here are not necessarily those of the Secular Association of NSW.

Focus Questions

Q1. What is the extent and impact of hatred towards vulnerable groups in the NSW community?

A: This is widespread. The question would require detailed surveys for data concerning this hatred and its consequences in both urban and rural settings in NSW.

Q2. Does the criminal law adequately protect against the incitement of hatred towards all vulnerable groups in NSW? If not, how could the criminal law better protect against the incitement of hatred towards these groups?

There is no discussion in the Issues Paper concerning what a 'vulnerable group' is and the context in which incitement against them might occur. See our answer below.

Q3. How can the criminal law strike an appropriate balance between protecting against the incitement of hatred towards vulnerable groups and protecting other important freedoms, including the implied freedom of political communication and freedom of religion?

A: We suspect this question is being asked now because the usual answer to the question is to say that the only speech to be criminalised is speech that incites violence.

But what we have seen, in the recent past, is that the phenomenon of social media and the widespread use of smart phones have taken hateful speech to another level. Social media and smart phones have increased the scale and intensity of hateful speech.

It has increased the possibility that words can lead to violence without that violence being clearly articulated in the hateful speech.

The consequences of this have led to increased feelings of distress among those who are on the receiving end of this hateful speech.

Q4. Would reforming criminal law protections against the incitement of hatred towards vulnerable groups have potentially negative or unintended consequences? If so, are there any further safeguards that could reduce this risk?

Criminalising hateful speech by way of severe financial penalties would be appropriate. Gaoling perpetrators of this speech raises the possibility of those charged becoming martyrs to a hateful cause, increasing the intensity of the very problem the legislation is trying to diminish. Those arrested could well see gaol time as a badge of honour in the context of ethnic nationalism in NSW where different groups identify with their ethnicity and their religion more than they identify themselves as Australian citizens.

Q.5 Could reforming criminal law protections against the incitement of hatred towards vulnerable groups have potentially negative or unintended consequences? If so, are there further consequences?

See our answer above.

Q6. Are there other measures related to criminal law reform that may promote social cohesion?

We believe the answer is No. Social cohesion is a function of education, economic policies and political decisions on a wide range of matters where citizens interact.



Max Wallace
Secretary/Treasurer
11 September 2025