

**From:** [Kamal Weerakoon](#)  
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**Cc:** [REDACTED]  
**Subject:** Incitement of hatred protections review - my comments  
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Greetings. Thank you Justice Sackar and everyone at the DCJ for giving me, and FAC, and other religious community leaders an opportunity to table our responses to Criminal Law Act Sections 93Z and the proposed 93ZAA. For your information, below is a summary of the opinions I shared with you, with some additional information.

The violence which is criminalised by 93Z needs to be explicitly and clearly threats of physical violence. The definition of violence should not be expanded to include statements of opinion which do not essentially attack a person's body. Attacking a person's ideas may be irrational, but irrationality is not essentially violence. Attacking a person's character may be obnoxious, but rudeness and crudeness are not essentially violent.

The problem with both 93Z and 93ZAA is the subjective nature of "fearing" "hatred." It can be weaponised to punish the expression of any contrary opinion. Such censorship would not encourage harmony but facilitate the disintegration of society into competing "tribal" "echo chambers" where existing opinions are reinforced and contrary opinions demonised and "cancelled."

Presbyterian ministry requires calling people to change, to "repent." This is consistent with the ministry of Jesus himself. Mark 1:14-15 records that "Jesus went into Galilee, proclaiming the good news," i.e. gospel, "of God. "The time has come," he said. "The kingdom of God has come near. Repent and believe the good news."" Presbyterian ministers do not actively seek to insult or discomfit anyone. But the call to follow Jesus usually causes people some discomfort, because it implies that their beliefs and/or behaviours are somehow wrong. Sections 93Z and 93ZAA can be weaponised to censure and censor the kind of Presbyterian ministry which has occurred for 500 years, since the Protestant Reformation in Scotland.

Here is an intentionally ridiculous example of how 93ZAA could be weaponised to censor contrary opinions. Section 93Z(5) defines 'race' to include a person's "ethno-religious... origin." I presume 93ZAA would use these same definitions. In a Gospel Coalition Canada article titled '[Christianity Is not Colonial: An Autobiographical Account](#),' published 24 Oct 2024, I vigorously assert that I am a "product[] of *Sri Lankan* Christianity," debunk "[t]he claim that Christianity is colonial" as being "*itself racist* because it denies non-white, majority-world Christians the right to" be Christians of our own particular ethnic heritage, and accuse "[a]ny non-Christian who lectures us about Christianity being 'white,' 'western' 'colonialism'" as "being racist against me, my parents, and my people" (all emphases in original). I could conceivably use the arguments in that article to attack, e.g., an LGBT activist who criticises the Bible's prohibition of homosexuality as causing me to fear harassment and intimidation and therefore fear for my safety. Such a claim does not have to be successful in law. The claim itself is, ironically, an act of harassment and intimidation, intended to censor good-faith criticism against my existing prejudices.

Hatred should indeed be de-escalated, but not by the blunt instrument of criminal law.

1. Criminal sanctions should be reserved for acts, or at most clear, unambiguous threats, of physical violence.
2. Civil law should regulate character slander.
3. And social institutions, including religious communities, should use their communal traditions to form prosocial attitudes among their people, including patience with and courtesy towards those who hold contrary opinions.

Thank you again for the opportunity to contribute to the law and government of New South Wales. Blessings and best wishes upon your work.

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Kamal Weerakoon, NSW Presbyterian Church