

**From:** Chris Mader [REDACTED]  
**Sent:** Tuesday, 15 July 2025 3:36 PM  
**To:** PRL Independent Review Secretariat  
**Subject:** Submission to the Independent Review of Criminal Law Protections Against the Incitement of Hatred (June 2025)

**Categories:** Protections Submissions

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**To the Reviewer, The Honourable John Sackar AM KC,**

This Submission is made in response to the June 2025 consultation paper titled “*Summary of issues for consultation – Independent Review of Criminal Law Protections Against the Incitement of Hatred.*”

I submit this evidence-based objection and constitutional clarification in my capacity as a lawful researcher and advocate, with the purpose of restoring Democracy as defined under Magna Carta 1215 and Trial by Jury — the true and supreme Common Law Constitution of this Realm.

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## **1. FOUNDATIONAL CLARIFICATION: THE TRUE RULE OF LAW**

The term “**democracy**” has been dangerously misapplied. Real Democracy is not defined by elected officials or parliamentary procedure — it is defined by the *sovereign rule of the people through Trial by Jury*, wherein jurors retain the right to judge both the facts and the justice of the law itself.

This is not a theory. It is the lawful structure reaffirmed by:

- **Magna Carta 1215** – Article 39: “*No free man shall be... punished... except by the lawful judgment of his equals...*”
- **Natural Law** – which prohibits coercion, arbitrary punishment, and pre-crime doctrine.
- **Lysander Spooner** and subsequent lawful authorities – affirming the jury’s veto over unjust laws and the supremacy of conscience and harm-based standards.

Any statute criminalizing expression based on subjective terms like “hatred,” absent direct harm or violence, is incompatible with these lawful principles.

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## **2. OBJECTION TO SECTION 93ZAA & THE CONCEPTUAL BASIS OF ‘HATE SPEECH’ OFFENCES**

The proposed and existing statutory mechanisms — particularly **section 93ZAA of the Crimes Act 1900 (NSW)** — are fatally flawed on constitutional, lawful, and logical grounds:

#### a) “Hatred” Is Subjective and Unlawful as a Standard for Criminalisation

- No jury of the people has ever lawfully validated a statute that criminalizes a feeling.
- The term “hatred” lacks objective definition and invites prosecutorial abuse, censorship of political or religious speech, and ideological weaponization.

#### b) Inversion of Lawful Due Process

- Section 93ZAA’s **harm-based test** does not evaluate actions but perceived reactions.
- It reverses the burden of proof by criminalizing intent where no physical harm, threat, or measurable damage occurred — violating Natural Law and lawful precedent.

#### c) Trial by Jury as the Proper Forum for Disputes

- These matters should be resolved, if at all, by **Common Law Juries** — not by legislative decree, police discretion, or bureaucratic guidelines.
- The Jury is the People’s veto — not Parliament.

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### 3. BREACH OF FUNDAMENTAL FREEDOMS

The proposed regime, including sections 93Z and 93ZAA, directly violates:

- The **inherent right to free expression**, particularly religious and political speech.
- The **right of jurors** to judge the *law itself*.
- **Magna Carta Article 40**: “To no one will we sell, to no one deny or delay right or justice.”

The legislation operates on **assumed guilt, fear-based thresholds**, and **pre-emptive censorship** — not on evidence, justice, or injury. Such statutes fail both lawful legitimacy and moral justification.

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### 4. THE TRUE PATH TO SOCIAL COHESION

You cannot legislate unity through fear or coercion. True social cohesion arises from **justice, respect for individual rights**, and **lawful accountability**, not from criminalising disagreement or mislabelled offence.

Where real harm occurs — harassment, assault, threats — **existing laws already apply**. This review proposes **overreach**, not remedy.

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### 5. LAWFUL RECOMMENDATIONS

1. **Immediate repeal or disqualification** of section 93ZAA and any related “hate speech” legislation that criminalizes thought or emotion.
2. **Reinstatement of the lawful requirement** that all matters of alleged harm, including incitement, be tried solely by a **Common Law Jury**, not by statutory presumptions.
3. **Education, not legislation**, as the tool to combat genuine bigotry or division — within the framework of individual liberty and lawful accountability.

4. **Affirmation of Magna Carta 1215 and Natural Law** as the true Constitutional authority over all NSW statutes, regardless of political pressure or ideology.

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## CREDENTIALS

### **Chris Mader**

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Specialising in Magna Carta 1215, Democracy, Natural Law, and the Sovereignty of the People

### **Constitutional Clarification:**

The *Commonwealth of Australia Constitution Act 1900 (UK)* is a statute of the British Parliament and holds lawful validity only insofar as it does not conflict with *Magna Carta 1215*, *Natural Law*, and the *Sovereign Right of the People* to rule through *Trial by Jury*. Any portion of the Act that contradicts these foundational authorities is, by operation of law, void and of no lawful effect. The People do not stand under Parliament — Parliament stands under the Constitution.

Please confirm receipt of this submission and note that **I do not consent** to it being altered, redacted, or misrepresented in any form.

Yours lawfully,

**Chris Mader**