

**JENNY LEONG MP**

**MEMBER FOR NEWTOWN**



19 April 2024

**NSW Law Reform Commission**

Locked Bag 5000  
Parramatta NSW 2124

To the NSW Law Reform Commission,

**Re: Review of section 93Z of the *Crimes Act 1900* (NSW)**

As the NSW Greens spokesperson on Anti-Discrimination and Human Rights, I welcome the opportunity to make a submission to the NSW Law Reform Commission's independent review of section 93Z ('s 93Z') of the *Crimes Act 1900* (NSW).

The Greens note that this review has emerged following heightened community tensions due to global and local events and the subsequent government focus on racial and religious vilification. We absolutely support the principle that people should be protected against vilification on the basis of their race or religious belief or affiliation. The freedom to peacefully practice religion in a way that does not cause harm to others without fearing harassment, humiliation, or intimidation is essential to many of our multicultural and diverse communities.

That said, The Greens are seriously concerned that the public messaging and framing around this review have specifically foregrounded protections for race and religious belief - and that race and religious belief are only two of the six attributes currently protected by s 93Z. In reviewing the effectiveness of this particular section, it is crucial that ample consideration is also given to whether communities at risk of vilification on the basis of any other grounds set out in s 93Z are adequately protected, as well as the potential intersection between these attributes. Particularly given the rise of anti-queer and specifically anti-trans rhetoric, for example, it is essential that this review also closely scrutinise the effectiveness of s 93Z in this regard.

Separately, The Greens note that s 93Z protects a broader range of attributes than those conferred protection by the parallel civil vilification provisions in the *Anti-Discrimination Act 1977* (NSW) ('the ADA'). In particular, The Greens note the establishment in s 93Z of protections against vilification on the basis of intersex status and "sexual orientation": the ADA does not currently offer civil protections for the former, and limits protections to "homosexuality" rather than "sexual orientation", thereby denying protection to persons who identify as bisexual. Similarly, the ADA narrowly prohibits discrimination "on transgender grounds" in comparison with the broader "gender identity" protected by s 93Z, which also encompasses non-binary and gender diverse people.

We understand that the ADA is currently undergoing a separate, holistic independent review and look forward to seeing the scope of protections it offers modernised to better conform with those outlined in s 93Z. Beyond this, we urge the Commission to consider whether the range of attributes protected by s 93Z should be expanded to include other characteristics like, for example, disability or occupation. It is also critical that all communities, organisations, experts and groups connected with these protected attributes are consulted equally as part of this current review of section 93Z.

Thank you for considering this correspondence.

Yours sincerely,



**Jenny Leong MP**  
**Member for Newtown**

**Electorate Office** 383 King Street, Newtown NSW 2042

E [newtown@parliament.nsw.gov.au](mailto:newtown@parliament.nsw.gov.au)

P (02) 9517 2800

[www.jennyleong.org](http://www.jennyleong.org)

