



## **Submission to the Law Reform Commission’s review of the effectiveness of section 93Z of the Crimes Act 1900 (NSW)**

**19 April 2024**

This is a submission by the Rationalist Society of Australia to the Law Reform Commission’s [review of the effectiveness of section 93Z of the Crimes Act 1900 \(NSW\)](#) in addressing serious racial and religious vilification in New South Wales.

### **Equal treatment for non-religious and ex-religious**

We believe it is important for the wording of the Act to be strengthened to make clear that the Act provides equal treatment and protection to non-religious and ex-religious people, who make up the fastest-growing section of the community and who experience discrimination and vilification – sometimes extreme forms – from religious people and religious communities.

Currently, the [wording in section \(1\) of the Act](#) ignores non-religious and ex-religious people.

Section 93Z is titled:

*Offence of publicly threatening or inciting violence on grounds of race, **religion**, sexual orientation, gender identity or intersex or HIV/AIDS status*

This only mentions ‘religion’.

Then (1)(b) of this section outlaws the act of intentionally or recklessly threatening or inciting violence towards a person, or one or more members of the group, who have a “religious belief or affiliation”. While the definition provided says religious belief or affiliation “means holding or not holding a religious belief or view”, the text in section (1) should be strengthened so that it is obvious that it covers non-religious and ex-religious people.



[According to the Collins Dictionary](#), the word ‘affiliation’ typically refers to having a “close or official connection” to a group or person – which is why it is commonly used to describe religious people’s connection to religious organisations. Non-religious people or ex-religious people who have renounced or walked away from religion or cults do not necessarily think of themselves as having a non-religious *affiliation* – unless, perhaps, if they formally join an atheist, humanist or rationalist group, or an ex-religious support group.

International law (Article 18 of the International Covenant on Civil and Political Rights) refers to the equal right to “freedom of thought, conscience and religion”, and the right for people to have or adopt a “religion or belief” of their choice. We believe, therefore, that the wording in the Crimes Act 1900 (NSW) should, similarly, give equal treatment to religious and non-religious beliefs. Such a revision would help to promote community cohesion and inclusion in New South Wales.

## **Discrimination and vilification of non-religious and ex-religious people**

Ex-religious people – such as people who have abandoned or renounced their faith, or who have escaped from cultist groups – are particularly at risk of extreme forms of abuse, harassment, violence and intimidation from their former religious communities. In Islam, for example, apostasy – the act of renouncing or rejecting Islam – is considered unacceptable, and those who leave Islam can face severe consequences from their families and friends who remain in the faith.

We are concerned that non-religious people may also become the target of growing levels of extreme behaviour, as the rise of non-religious belief – evident in the national census – continues to surge and faith communities, increasingly populated by hardline religionists, grapple with their decline in number and influence.

In Sydney in recent years, news media have reported on the disturbing [rise in the presence of hardline religious groups](#) taking to the streets in displays that have sought to intimidate members of the public.

In another example of increasing intimidation towards non-religious people, just this week international ‘influencer’ Andrew Tate – who has a large following on social media,



especially among young men – [attacked atheists in a video](#) following the alleged church stabbing at a Christian church in Sydney. In the video, he said:

*“This is not about Muslims versus Christians. That’s not what this is about. This is what they want. We need more God, not less God. We need more men who are prepared to stand on God and fight for God. It is the atheists, it’s the people who believe in nothing – they’re the ones who are pushing and purporting the ideas that are destroying your society. They are the people who are trying to destroy your family life and poison your children.”*

It is worth noting, too, that, in New South Wales, non-religious people are treated as second-class citizens in government institutions. Despite a number of elected members having previously called for reform over the years, both houses of parliament start each day by requiring elected representatives and all in attendance to observe specifically Christian worship, including the Lord’s Prayer. The practice makes many people feel excluded. Parliament is an institution that should be secular and should not privilege one worldview over others.

Also, in recent months, the [state government rejected the nomination of an atheist community leader](#) for the 19-member Faith Affairs Council – a formal body that advises the government on policy matters. With the endorsement of a Christian minister, the atheist leader nominated himself as part of the government’s formal process last year, wanting to represent non-religious and ex-religious citizens on public policy matters related to religion. While the government rejected his application, it later expanded the membership of the body from the original 16 positions so as to add more religious representation. The Atheist Foundation of Australia said it was [“disturbed by this unexpected religious discrimination”](#).

## **It is time to abolish the crime of blasphemy in New South Wales**

In 1994, the NSW Law Reform Commission recommended that the crime of blasphemy be abolished in New South Wales. This reform has not occurred, and blasphemy remains a crime in New South Wales.

Section 574 of the Crimes Act 1900 (NSW) gives the example of “scoffing” at Christianity as an example of conduct amounting to the crime of blasphemy.



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The 2018 Ruddock Religious Freedom Review said that blasphemy laws are “out of step with a modern, tolerant, multicultural society” and recommended they be abolished. The United Nations Human Rights Committee’s General Comment 34 declares that “blasphemy laws are incompatible with the [International Covenant on Civil and Political Rights].”

People should be protected against vilification. But religion (including in the case of New South Wales, a single state-favoured religion) should not be protected from mockery and criticism. New South Wales law should properly reflect this fundamental distinction.

**Si Gladman**

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