

24 September 2025

The Honourable Justice John Sackar AM KC
Reviewer
The Independent Review Secretariat
Department of Communities and Justice

By Email: PRLIndependentReviewSecretariat@dcj.nsw.gov.au

Further Submissions on review of Criminal Law Protections against the Incitement of Hatred in NSW

We thank you once again for the opportunity to contribute to the Independent Review of Criminal Law Protections against the Incitement of Hatred in New South Wales. Further to our written submissions and the information shared at the Roundtable discussion held on 17 September 2025, we wish to draw your attention to emerging evidence concerning the prevalence of coercive control, discrimination and other forms of mistreatment experienced by people living with HIV and hepatitis B. Each of these issues reflects or is intrinsically linked to the hatred directed towards these communities.

The Legal Needs Study (LeNS), conducted by the Health+Law Research Partnership, was the first national survey of everyday legal issues for people living with HIV and hepatitis. The study involved over 1000 online surveys and more than 140 in-depth interviews. Official reports of the LeNS findings are forthcoming and will be available via the Health+Law website (www.healthpluslaw.org.au). In the interim, we wish to share preliminary findings provided by the Lead Chief Investigator, Associate Professor David Carter, which we believe underscore the urgent need for strengthened legal protections against the hatred experienced by people with bloodborne viruses.¹

The survey revealed that people living with HIV and hepatitis B both report far higher rates of coercive control than observed in the most recent general population surveys. For the sample collectively, 25% of participants reported experiencing 'violence, coercion, harassment or financial abuse in family relationships', while 28% reported 'a family member or partner controlling or exploiting [their] money, financial information or assets' at least once in the preceding 24 months. In comparison, the Victorian Public Understanding of Law study (PULS) found just 1.1% of Victorian general population respondents reported 'a family

¹ For further context on the LeNS study, visit Health+Law, *Groundbreaking Research Shows Significant Legal Challenges Affect People Living with Hepatitis B and HIV in Australia* (Blog Post, 25 July 2025) <<https://www.healthpluslaw.org/blog/groundbreaking-research-shows-significant-legal-challenges-affect-people-living-with-hepatitis-b-and-hiv-in-australia>>.

member or partner controlling or exploiting your money, financial information or assets', although they were not asked about forms of domestic/family violence or coercive control.²

Additionally, 42% of surveyed individuals living with HIV and 52% of those living with hepatitis B reported experiencing at least one justiciable issue related to non-workplace discrimination in the preceding 24 months. Alarming, 56% of people with hepatitis B and 23% of people with HIV reported experiencing harassment, bullying, victimisation or mistreatment at work related to their bloodborne virus status.

These findings point to a pattern of systemic mistreatment and social exclusion that warrants urgent attention. We submit that the experiences of people living with HIV and hepatitis B must be considered in the development of robust legal protections against the incitement of hatred in New South Wales.

Thank you for your continued consideration of these matters.



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² Victorian Law Foundation, The Public Understanding of Law Survey Volume 1: Legal Australia (Report, 2023) 173 <<https://cdn.prod.website-files.com/64cb3eaa05058fe9b199601b/66d6a986f46cb803fc4fc2e2_The%20Public%20Understanding%20of%20Law%20Survey%20Volume%201.pdf>.