

THE AUSTRALIAN LAW JOURNAL

Volume 100, Number 3

March 2026

CURRENT ISSUES – Editor: Justice François Kunc	155
Responding to the Bondi terrorist attack	155
Royal Commission on Antisemitism and Social Cohesion	155
New Commonwealth legislation	157
New South Wales	158
Australian Capital Territory	160
Victoria	160
South Australia’s new Chief Justice	160
40 years of Australia’s (complete) independence	160
The Curated Page	161
CONVEYANCING AND PROPERTY – Editors: Robert Angyal SC and Brendan Edgeworth	164
The Extension of “Covenant Buster” Statutory Provisions to Easements	164
EQUITY AND TRUSTS – Editor: Aryan Mohseni	169
INTERNATIONAL FOCUS – Editor: Devon Whittle	175
The New International Legal Framework for Pandemics and other International Health Emergencies	175
PERSONALIA – Editor: Saskia O’Neill	185
New South Wales	185
Queensland	185
Victoria	185

ARTICLES

CRIMINALISING NAZI SYMBOLS: COMPARING AUSTRALIAN AND GERMAN LEGAL PROHIBITIONS

Madeleine Hale and Phoebe Galbally

This article explores the Australian prohibitions on Nazi symbols. In finding that their limited scope constitutes a reasonable limitation on harmful expression, it considers why these prohibitions were enacted long after the Holocaust, in a jurisdiction geographically removed from the birthplace of Nazism. 187

GHOST IN THE MACHINE: THE LIMITS OF SYSTEMS INTENTIONALITY TO PROVE CORPORATE INTENT

Shane Herbst and Kanaga Dharmananda SC

The Systems Intentionality model of corporate responsibility seeks to construe a corporation as having a mind of its own, distinct from any natural person's mental state. It posits that a corporation's mind resides in its systems, policies and practices. Despite its positive features, the model is presently unsuitable for use in ascertaining or proving corporate knowledge or intent, because it asserts that a corporation knows things which it does not. It could lead to unfair corporate liability by penalising responsible and compliant corporations, leaves unanswered questions about how legacy systems are to be treated, and is unlikely to lead to better corporate regulation. 205

REGULATING ONLINE HATE SPEECH IN AUSTRALIA

Vicki Waye

Hate speech is a scourge that undermines social cohesion and civic discourse. Online hate speech which facilitates the spread of invective at lightning speed around the globe is especially problematic. There are strong views that online hate speech is currently under-regulated in Australia. This article explores whether the Online Safety Act 2021 Cth should be amended to enable online platforms to be made responsible for the hate speech they publish and disseminate. 221

BOOK REVIEWS – Editor: Angelina Gomez 237

Gerard Brennan's Articles and Speeches 237

Roman Law Under the Southern Cross 240

Australian Law Journal Reports

HIGH COURT REPORTS – Staff of Thomson Reuters

DECISIONS RECEIVED IN FEBRUARY 2026

AA v Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle ([2026] HCA 2) (<i>Damages; Torts</i>)	170
--	-----