



**Ethnic Communities'
Council of NSW**
REPRESENTING ALL COMMUNITIES

**PUBLIC CONSULTATION: INDEPENDENT REVIEW OF CRIMINAL LAW PROTECTIONS
AGAINST THE INCITEMENT OF HATRED IN NSW.**

Dear Independent Review Secretariat

Independent Review: Criminal Hate Speech

The Ethnic Communities Council of NSW (ECC NSW) welcomes the opportunity to make a submission on this important matter. Please find our submission below.

ECC NSW is the state-wide peak body representing culturally and linguistically diverse (CALD) communities. Our core activities include advocacy, education and community development. Our membership comprises of hundreds of organisations and individuals representing new, emerging and established communities, which includes members from the NSW Jewish community.

Our mission is to actively promote the principles of multiculturalism, and advocate for the development of a culturally inclusive, cohesive and harmonious society. We are committed to empowering, engaging and involving multicultural, multi-faith and multilingual based communities in public life, ensuring their active participation and contribution.

Criminal law protections against hatred for vulnerable groups

Recent events have seen escalating racist and targeted attacks on vulnerable communities in NSW in the last several years, spurred by ever-increasing instances of incitement of hatred towards cultural and faith-based groups. It is without question that targeted attacks and violence are preceded by the consistent vilification, incitement and bigotry directed towards these communities. We have seen racist, Islamophobic, antisemitic and anti-Asian attacks and incitement targeting vulnerable communities. These vulnerable groups include young people and elderly people across culturally, linguistically and religiously diverse communities.

Public incitement of hatred that goes unchecked will continue to erode the rights of all communities and motivate acts of racial violence that threaten the social cohesion. Legal protections and other mechanisms are critical to preventing the vilification of multicultural communities particularly vulnerable and marginalised communities. All incitement of hatred in a public forum, including the use of electronic methods (e.g. social media), should be prosecuted under the full extent of the law.

We strongly support the NSW Government's strengthening of legislation for Hate Crimes and Hate Speech. We endorse the expansion of aggravating circumstances associated with Hate Crimes. We stress the importance of the Hate Speech legislation that makes it a crime to incite racial hatred intentionally and publicly, including the incitement of violence. ECC NSW supports the broadening of the hate speech legislation to cover all communities.

Access to legal protections for vulnerable groups

Criminal law and the court system must continue to respond to the needs of culturally, linguistically and religiously diverse communities. The implementation of these criminal law protections must consider whether the communities and vulnerable groups these protections are intended for, are thoroughly understood and can be accessed equally. These considerations extend to whether these communities have the capacity to seek action against the incitement of hatred under these protections.

To improve access and the ability of persons to engage with these protections, opportunities must be provided to vulnerable, and culturally, linguistically and religiously diverse, communities to better understand the law and their rights and protections. The availability of numerous in-language resources and fact sheets explaining these protections, how to seek action with these protections and, where necessary, the utilisation of interpretation services are critical. Culturally responsive training and an emphasis on officers with knowledge and awareness of the particular impacts on and needs of communities need be tantamount, as will timely and effecting messaging that appropriately position these changes in accounting for multicultural communities in NSW.

Relevant rights and freedoms

We firmly believe that every person has the right to practice their faith and culture freely and safely. This extends to the physical, cultural and psychological safety of all communities living in NSW. Every person is protected under law from discrimination regardless of race, ethnicity, religion, culture or linguistic background. These rights are fundamental to our Australian values and form the foundation of a multicultural and cohesive society.

NSW is a multicultural, multi-faith and multi-lingual society. The incitement of hatred, and violence, towards vulnerable groups creates division between communities and disrupts the fabric of this society. Criminal law protections against the incitement of hatred and violence must be provided to all NSW communities equally and without exception. These protections can balance opportunities for freedom of expression, freedom of religion and freedom of political communication. However, where these rights infringe on the rights of others through the incitement of hatred and violence, the rights to safety and protections against discrimination must take precedence.

Promoting social cohesion

ECC NSW's mission has historically been to actively promote multiculturalism in NSW, advocating for a culturally inclusive, cohesive and harmonious society. We see the basis of Australia's multiculturalism as a parting of the problems of the 'old world' and the building

of confidence in this one. In recent times, we have found that this focus must broaden to a position of constant vigilance in defending our multiculturalism. Racism, bigotry and religious prejudice have continued to erode the foundations that Australian multiculturalism has been built on.

NSW has seen a significant shift in public discourse towards the increasing incitement of racial, religious and cultural hatred, contributing to the isolation of communities and increasing the threat to upholding the social cohesion we have nurtured over the years through Australia's Multicultural Policy. Any event or incident resulting in the harm of any persons that are carrying out religious or cultural activities in Australia would be an undeniable stain on our country's history.

ECC NSW and our members firmly believe that a threat to one group in our society is a threat to us all. To allow any form of hate speech or racism to continue unchecked only empowers those willing to destroy the foundation of our Australian multiculturalism. Social cohesion is a standard that all communities must shoulder equally.

Measures to promote social cohesion

We strongly support the NSW Government's strengthening of legislation for Hate Crimes, Hate Speech, and graffiti on places of worship as well as and the introduction of legislation to prevent protests outside places of worship. We endorse the expansion of aggravating circumstances associated with Hate Crimes and the increased penalties for graffiti on places of worship. The ban on protests outside places of worship is critical in ensuring that cultural and faith-based communities can openly and safely practice their faith. We stress the importance of the Hate Speech legislation that makes it a crime to incite racial hatred intentionally and publicly, including the incitement of violence. ECC NSW supports the broadening of the hate speech legislation to cover all communities.

We strongly support the NSW State Government in providing appropriate resources to the NSW Police to protect multicultural and vulnerable communities. This extends to the further resourcing for the NSW Police Force Engagement and Hate Crimes Unit to more effectively engage with, and protect, vulnerable communities.

We support targeted reforms and programs focused on the deradicalisation of youth as we fight to defend multiculturalism for future generations. The radicalisation of youth across our NSW communities both online and offline, including the far-right have been of growing concern for some time, often led by the public incitement of hatred. The shift in public discourse has likely further empowered these groups to become more radicalised, posing an increasingly significant threat to cultural communities.

We support the provision of safeguards for vulnerable communities that enable individuals to draw on the support of their communities. We support targeted campaigns and community engagement that appropriately inform communities and provide the rationale for changes to these protections. We support the implementation of educational programs that focus on bridging the divide between communities, while providing targeted anti-

racism education. The increase in cultural exchanges between communities can build mutual appreciation for cultures while dispelling prejudice and bigotry.

ECC NSW has a strategic relationship with the government agency, Multicultural NSW, through its Multicultural Peaks and Partnership Program. This Program has enabled and supported programs and services and underscore the importance of addressing prejudices and divisions that emerge between communities in building a more cohesive society.

ECC NSW, as the peak body representing NSW multicultural communities, continues to advocate for all ethnic, cultural, religious and linguistically diverse communities. We will continue to collaborate with and offer our support to cultural communities as we continue to defend our multicultural society.

Thank you for your consideration of this submission and for your commitment to building a more cohesive and inclusive society.

Yours sincerely,

Peter Doukas OAM

Chair, Ethnic Communities Council of NSW

6th August 2025