



06 August 2025

The Honourable John Sackar AM KC
c/o Independent Review: criminal hate speech
Policy, Reform and Legislation Branch
Department of Communities and Justice

Sent by email: PRLIndependentReviewSecretariat@dcj.nsw.gov.au

Dear The Honourable Mr Sackar

Re: Review of criminal law protections against the incitement of hatred

Thank you for the opportunity to respond to the Summary of issues for consultation regarding the review of criminal law protections against incitement of hatred.

As you know, ACON is NSW's leading health organisation specialising in community health, inclusion and HIV responses for people of diverse sexualities and genders. We have long advocated for truth and justice for the victims of LGBTIQ+ hate crimes, and we acknowledge and thank you again for your work on the Special Commission of Inquiry into LGBTIQ+ hate crimes.

We respond to the summary issues for consultation with the following:

1. What is the extent and impact of hatred towards vulnerable groups in the NSW community?

As you acknowledge in the final report of the Special Commission of Inquiry into LGBTIQ+ hate crimes, hatred against LGBTIQ+ people continues to take many forms, and hatred poses ongoing danger to our communities.

We make this submission with regard to LGBTIQ+ communities. We acknowledge that LGBTIQ+ people are one of many groups that continue to experience hatred in NSW perpetrated by people with prejudice toward them as a group. Many people are part of multiple, overlapping groups and may have compounded experiences of hatred and sometimes lateral violence as a result.

We acknowledge the ongoing impacts that conflict in the Middle East continues to have on hatred in NSW, and the environment in which these laws were originally proposed. Our view is that strategies to combat hatred should be extended to all groups that are targeted, including the LGBTIQ+ community. This has not yet occurred with respect to recent legislative changes.

The LGBTIQ+ community experienced a sustained and high level of hatred targeted at individuals and community events. We understand that incidents targeting LGBTIQ+ people continue to be one of the highest categories of hate crimes recorded in NSW. In recent years, there has been an alarming increase in far-right hate group attacks targeting LGBTIQ+ events in NSW and across Australia. Extremists and fringe groups have targeted drag story time at libraries and local councils with intimidation, hate speech and fear. Performers and council workers have been harassed in person and online, and rather than deal with angry, hateful mobs, some performances are being cancelled. There have been many documented instances of hate-motivated vandalism on symbols of pride. Concerningly, these attacks have now extended to include a string of violent crimes targeting users of dating apps.

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We have provided an Appendix recording a number of hate-motivated incidents that have occurred all across NSW since 2023. These incidents document the increase in hate speech, violence, vandalism, harassment and vilification experienced by LGBTQ+ communities.

Hatred against LGBTQ+ people also proliferates online, and it is clear that [existing legislative frameworks are not strong enough](#) to provide the eSafety Commissioner with sufficient powers to address this.

In February 2024, in recognition of this rise in hatred, the City of Sydney held an LGBTQIA+ safety summit, which made several recommendations to address the impacts of the spike in hatred. Many of these recommendations centred around preventive and civil pathways, rather than criminal law reform.

Incidents of hatred are alarming for our communities and continue to have detrimental impacts, especially on our communities' mental health. Research has demonstrated that a disproportionate number of LGBTQIA+ people experience poorer mental health outcomes and have a higher risk of suicidal behaviours than their peers. These health outcomes are directly related to experiences of stigma, prejudice, discrimination, and abuse.¹ In a 2020 national survey of almost 7000 LGBTQ+ Australians, more than one-third reported experiencing verbal abuse, and one-quarter reported harassment in the past 12 months due to their sexual orientation or gender identity.² We know that isolation and abuse are significant risk factors for suicidality and poor mental health outcomes. Conversely, a sense of connectedness and participation in the community are protective factors for mental health.³

While many of the more serious instances of hate are covered by existing criminal legislation, it is critical that this review is aware of the extent of current hatred towards LGBTQ+ communities in NSW, and the impacts this is having on individuals subject to crimes and on our broader communities.

2. Does the criminal law adequately protect against the incitement of hatred towards all vulnerable groups in NSW? If not, how could the criminal law better protect against the incitement of hatred towards these groups?

3. How can the criminal law strike an appropriate balance between protecting against the incitement of hatred towards vulnerable groups and protecting other important freedoms, including the implied freedom of political communication and freedom of religion?

The provisions introduced this year do not cover incitement of hatred toward LGBTQ+ people, or incitement of hatred on the basis of gender or sexuality. The issues paper highlights other legislation that protects our communities against threats of violence and vilification, but the laws introduced this year specifically only protect against racial hatred.

ACON supports Equality Australia's expert legal advice on ensuring criminal law protects against the incitement of hatred toward LGBTQ+ people, and the importance of striking an appropriate balance. We note that the implied freedom of religion and freedom of political communication for some should not come at the cost of violating human rights for others.

ACON would also like to acknowledge the review of the *Anti-Discrimination Act 1977* (NSW) currently underway by the NSW Law Reform Commission. It has been our position that review that civil and criminal vilification protections should be harmonised, to improve simplicity for those seeking to make a civil complaint, and to increase the protection for all LGBTQ+ people.

4. Would reforming criminal law protections against the incitement of hatred towards vulnerable groups assist with promoting social cohesion in NSW?

It's ACON's view that criminal law protections, while a necessary part of the fight against hatred, cannot occur without critical investment in preventive initiatives to promote social cohesion. While we understand that the focus of this review is criminal law protections, and preventive measures are out of scope, the reform of criminal law cannot be done without corresponding or greater efforts to prevent hatred before it occurs.

As an organisation grounded in health promotion and prevention initiatives, ACON would be glad to support initiatives that seek to prevent hatred by promoting social cohesion, in collaboration with appropriate partners, including local councils.

5. Could reforming criminal law protections against the incitement of hatred towards vulnerable groups have potentially negative or unintended consequences? If so, are there any further safeguards that could reduce this risk?

ACON is concerned that increased criminal protections also risk overcriminalisation of other marginalised or otherwise vulnerable groups, especially young people. Countering violent extremism initiatives, the typical avenue for working toward preventing hatred and radicalisation, are often grounded in strategies that aim to prevent vulnerable young people from being radicalised, and to promote social cohesion. These programs tend to target the same young people who may also be vulnerable to other forms of crime – those affected by racism, poverty, and social isolation.⁴

It is ACON's concern that young people prone to radicalisation and hate speech are already prone to criminalisation. Recidivism in youth justice is a significant problem in Australia,⁵ and reform is needed to create transformative justice, reduce reoffending, and prevent radicalisation.⁶ There is a risk that increased criminal law protections, especially without adequate investment in social cohesion initiatives, will produce overcriminalisation of already marginalised people and promote more, not less, hate.⁷

Our view is that it is critical that programs to prevent hatred and radicalisation include strategies to prevent hatred targeted at the LGBTQ+ community. ACON would be happy to collaborate with the government and service providers with expertise in this area to achieve this result.

6. Are there other measures related to criminal law reform that may promote social cohesion?

In addition to preventive social cohesion initiatives, critical to social cohesion and related to criminal law reform, there is a need to continue building trust and confidence in the NSW Police Force to increase reporting. Sufficient resourcing is required for reporting, monitoring and preventing hate crimes through its Engagement and Hate Crimes Unit.

In a welcome move, the NSW Government moved to accept all of the recommendations of the Special Commission of Inquiry into LGBTIQ+ Hate Crimes. ACON is aware of several initiatives undertaken by the NSWPF to continue building trust and confidence among LGBTIQ+ people in the police. We are aware that there is likely still underreporting of hate-motivated crimes against LGBTIQ+ people due to this lack of trust, and acknowledge the work of the NSWPF to continue to build positive relationships with our communities and improve reporting.

We are aware of the significant work undertaken in recent years by the NSW Police to improve the identification and response to hate crimes. This is critical work that will need long-term support from the

NSW Police Commissioner so that NSW Police can claim a world-class response to hatred. ACON has a strong and trusted relationship with the Hate Crimes Unit that allows us to inform our communities about risks in ways that are not available to NSW Police. The strength of this relationship needs to be sustained for the long term.

ACON is involved in the review currently being undertaken of the GLLO program, and will be providing our recommendations for the program directly to that process. ACON has previously provided advice to the NSW Minister for Police on ways to improve community trust and acknowledges the progress of the NSWPF toward many of these recommendations.

We would recommend that these initiatives be considered as part of the forthcoming *NSW LGBTIQ+ Inclusion Strategy* to ensure that adequate resourcing and appropriate governance are in place.

Social cohesion requires the prevention of hatred, trust and confidence in our criminal justice systems in order to report incidents and seek just outcomes, and support for victims. It is critical that criminal law reform is accompanied by significant efforts to prevent hatred and support for victims.

We would be more than happy to discuss further. Please do not hesitate to get in touch with me, Michael Woodhouse, at [REDACTED].

Kind regards

[REDACTED]

Michael Woodhouse
Chief Executive Officer

Appendix: Recent reporting on instances of LGBTIQ+ hate

1. Om, J (2025). New wave of homophobic attacks targets users of gay dating apps like Grindr (6 July). *ABC News*. Available: <https://www.abc.net.au/news/2025-07-06/gay-dating-app-users-lured-into-violent-homophobic-attacks/105464048>
2. Taylor, J (2025). Pair jailed for using dating app Grindr to launch spree of robberies of gay men in Sydney (21 May). *The Guardian*. Available: <https://www.theguardian.com/australia-news/2025/may/21/sydney-men-jailed-gay-dating-app-grindr-robberies-ntwnfb>
3. Vidal, P, Ritchie, R, and Barrett Peters, C (2025). Man charged with 53 hate crimes in Sydney's inner west, including alleged spray-painting of Nazi symbol (May 18). *ABC News*. Available: <https://www.abc.net.au/news/2025-05-18/man-charged-53-hate-crimes-sydney-inner-west/105306686>
4. Masia, L. (2024). Gangs of teenagers are using dating apps to lure, attack and rob gay men in Sydney parks (December 12). *Pedestrian*. Available: <https://www.pedestrian.tv/news/dating-app-hate-crime-attack/>
2. Duffin, P (2024). 'Pedo hunts': Gay-bashing teen gangs in wave of Sydney attacks (December 11). *Sydney Morning Herald*. Available: <https://www.smh.com.au/national/nsw/pedo-hunts-gay-bashing-teen-gangs-in-wave-of-sydney-attacks-20241129-p5kulk.html>
3. Sargent, C (2024). NSW Police Charge Man Over Alleged Homophobic Hate Crime in Darlinghurst (November 25). *Star Observer*. Available: [NSW Police Charge Man Over Alleged Homophobic Hate Crime in Darlinghurst - Star Observer](#)
4. Say it Out Loud (2024). Online safety update for LGBTIQ+ Community (18th October). *ACON*. Available: [Online Safety Update for LGBTIQ+ Community – Say It Out Loud](#)
5. Johnson, G (2024). Calls for Cumberland City Council to tackle homophobic extremism beyond book ban reversal (June 1). *Star Observer*. Available: [Calls for Cumberland City Council to tackle homophobic extremism beyond book ban reversal - Star Observer](#)
6. Potts, A.M. (2024). "Christian Lives Matter" target drag story time in Sydney (February 10). *Q News*. Available: <https://qnews.com.au/christian-lives-matter-target-drag-story-time-in-sydney/>
7. Hirst, J (2024). ABC pulls plug on Drag Storytime after hateful backlash (February 7). *Q News*. Available: <https://qnews.com.au/abc-pulls-plug-on-drag-storytime-after-hateful-backlash/>
8. Magaletti, D (2023). Trans Flag Mural On Bondi Beach Sea Wall Vandalised (April 6). *Star Observer*. Available: [Trans Flag Mural On Bondi Beach Sea Wall Vandalised - Star Observer](#)
9. Magaletti, D (2023). University of Wollongong Rainbow Steps, Rainbow Crossing Defaced With Bible Verse (March 13). *Star Observer*. Available: <https://www.starobserver.com.au/news/university-of-wollongong-rainbow-steps-rainbow-crossing-defaced-with-bible-verse/222475>

10. Thomas, S (2023). Rainbow Pride Tree In Inner West Sydney Vandalised (March 3). *Star Observer*. Available: <https://www.starobserver.com.au/news/national-news/rainbow-pride-tree-in-inner-west-sydney-vandalised/222293>
11. Thomas, S (2023). Homophobic Vandals Deface WorldPride Mural In Sydney CBD (February 23). *Star Observer*. Available: <https://www.starobserver.com.au/news/national-news/homophobic-vandals-deface-worldpride-mural-in-sydney-cbd/222085>

¹ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University. https://www.latrobe.edu.au/_data/assets/pdf_file/0009/1185885/Private-Lives-3.pdf

² Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University. https://www.latrobe.edu.au/_data/assets/pdf_file/0009/1185885/Private-Lives-3.pdf

³ Rodgers, S., Shehata, S., Murray, J., and Cook, T. (2022). *Informing the direction of ACON's online suicide prevention hub: a review [Report]*. Gadigal, Sydney, Australia: ACON. https://here.org.au/wp-content/uploads/2022/11/Suicide-Prevention-Hub-Scoping-Review_v4_spreads.pdf

⁴ Lauland, A., Moroney, J. D., Rivers, J. G., Bellasio, J., & Cameron, K. (2019). *Countering violent extremism in Australia and abroad*. Santa Monica, CA: RAND Corporation.

⁵ Law Council of Australia (2024) Australia's youth justice and incarceration system: Submission to Senate Legal and Constitutional Affairs References Committee. (22 October). Available: <https://lawcouncil.au/publicassets/d2f05c83-b895-ef11-94ab-005056be13b5/4609%20-%20S%20-%20Australias%20youth%20justice%20and%20incarceration%20system.pdf>

⁶ Angus, C (2016) Radicalisation and Violent Extremism: Causes and Responses. NSW Parliamentary Services e-brief. Available: <https://www.parliament.nsw.gov.au/researchpapers/Documents/radicalisation-and-violent-extremism-causes-and-/Radicalisation%20eBrief.pdf>

⁷ Radicalisation Awareness Network (2016) Dealing with radicalisation in a prison and probation context RAN P&P - practitioners working paper. Available: https://home-affairs.ec.europa.eu/system/files_en?file=2016-12/ran_p_and_p_practitioners_working_paper_en.pdf