



**AUSTRALIAN EDUCATION UNION  
NEW SOUTH WALES TEACHERS FEDERATION BRANCH**

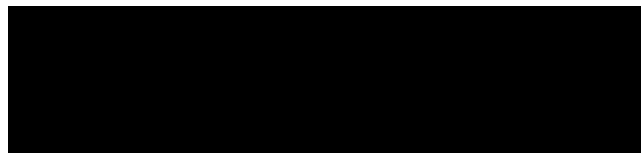
SUBMISSION TO

**NSW LAW REFORM COMMISSION**

ON

**SERIOUS RACIAL AND RELIGIOUS VILIFICATION**

Authorised by



**per Maxine Sharkey  
General Secretary  
AEU NSW Teachers Federation**

**26 April 2024**

## **Effectiveness of section 93Z of the *Crimes Act 1900* (NSW) in addressing serious racial and religious vilification in NSW**

The Australian Education Union NSW Teachers Federation Branch (the Federation) represents teachers, executives and principals in NSW public preschools, infants, primary and secondary schools, schools for specific purposes and teachers working in consultant/advisory positions. Teachers in TAFE and Corrective Services are also represented by the Federation. The current financial membership totals 64,000 practising teachers and student members.

As a social justice union, Federation rejects racism.

*Federation urges all members to actively work towards the elimination of racism in every classroom, playground, staff room and school community.*

*Victims of racism may regularly experience fear, or feel intimidated, angry, unwelcome and unworthy; the physical and psycho-social effects can be harmful and ongoing. Long-term effects of racism felt by generations of Aboriginal and Torres Strait Islander peoples, along with migrants, refugees and persecuted minority groups from all over the world are well documented.<sup>1</sup>*

As stated in the Federation Anti-Racism Policy<sup>2</sup>, taking action against racism, including that aimed at Aboriginal and Torres Strait Islander communities, must not be something which is considered optional for the NSW State Government:

*The principles of multiculturalism as defined by the Multicultural NSW Act 2000 are the policy of the state and accordingly, each public authority must observe the principles of multiculturalism in conducting its affairs.*

*The NSW Government is obligated to ensure that the services its agencies provide meet the needs of the state's increasingly diverse multicultural and Aboriginal communities.*

Federation also rejects other forms of discrimination as listed in section 93Z of the *Crimes Act 1900* (NSW) including that based on sexual orientation, gender identity, being intersex or having HIV/AIDS and has a proud history of fighting against discrimination in our schools and the wider community.

In preparing this submission Federation refers to the Terms of Reference of the review:

1. the impact of racial and religious vilification on all parts of the NSW community;
2. criminal vilification offences in other Australian and international jurisdictions, and the desirability of harmonisation and consistency between New South Wales, the Commonwealth and other Australian States or Territories;
3. the availability of civil vilification provisions in the *Anti-Discrimination Act 1977* (NSW);
4. the impacts on freedoms, including freedom of speech, association and religion;
5. the need to promote community cohesion and inclusion;
6. the views of relevant stakeholders as determined by the Commission; and
7. any other matter that the Commission considers relevant.

---

<sup>1</sup> 'NSW Teachers Federation', *Federation Rejects Racism* (Web article  
<<<https://www.nswtf.org.au/news/2022/05/24/federation-rejects-racism/>>>

<sup>2</sup> As attached.

## 1. The impact of racial and religious vilification on all parts of the NSW community

Federation advocates that education is key to ensuring a fair, just and cohesive society. As stated by Federation President Angelo Gavrielatos in 2020:

*"We are a society where there is no room for the politics of division, the politics of fear, xenophobia and racism. During these difficult and complex times, it is incumbent upon us to engage in these critical debates and I would strongly reassert the view that the key to a vibrant social cohesive, multicultural democracy is education. That is, an education by and through the inclusive, universally accessible, secular, local neighbourhood public school."<sup>3</sup>*

The context of this statement was in response to unacceptable racial and religious vilification and hate speech which occurred during the COVID pandemic and the aftermath of violence in the USA that led to the "Black Lives Matter" movement. That a statement such as this rings just as true today as it did in 2020, emphasises that discrimination, hate crimes and vilification on the basis of race and religion remain ongoing concerns in our society. This is further demonstrated by the falsehoods surrounding the Voice Referendum in 2023 and the current Islamophobic, Anti-Semitic and hate-filled rhetoric in response to the conflict in Palestine and the terror attacks in Bondi and Wakeley.

There is a need for the legislation as deterrent to racist attitudes being expressed in the media and online as well as in the community. The fact that there has been no conviction to date under section 93Z may be reflective of the relatively low incidence of what is an objectively serious offence, when compared to the acts of racial and religious violence which constitute other criminal or civil offences. The possibility of being convicted of the offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status, however, must be viewed by the community as one of the consequences of engaging in racially and religiously motivated violence.

If it is perceived that racial and religious vilification is not taken seriously by NSW Police, the Courts and the Government, this has the potential to undermine other criminal and civil laws associated with racist and anti-religious behaviour.

To cite one example of the breadth of racist behaviour in Australia, Indigenous Australians continue to face racism across the community including in their workplaces, something demonstrated in recent research of members commissioned by the Australian Education Union. *Making our words and actions meet - Understanding the experiences of Aboriginal and Torres Strait Islander educators in the workforce*, was undertaken by Jumbunna Institute for Indigenous Education and Research within the University of Technology Sydney.<sup>4</sup> In the context of their broader experiences, respondents in educational workplaces reported ongoing experiences of racism. 59% had experienced appearance racism, 56% has experienced assumptions and stereotypes while 44% had heard racist slurs or jokes.

Many teachers and students experience racism, institutional, as well as overt and covert on a daily basis as a result of the way in which our workplaces and systems operate. This happens in spite of current legislative requirements.

---

<sup>3</sup> 'NSW Teachers Federation', *Black Lives and What Really Matters* (Web Article) <<https://www.nswtf.org.au/news/2020/06/10/black-lives-and-what-really-matters/>>

<sup>4</sup> 'Jumbunna Institute', *Making our words and actions meet: Understanding the experiences of Aboriginal and Torres Strait Islander educators in the workforce* <<https://www.aeuvic.asn.au/sites/default/files/2024-03/AEU%20Jumbunna%20Institute%20Report%202023%20Final.pdf>>

Race and ethnicity permeates all aspects of life in Australia and has been used by governments and media to exclude, exploit and devalue people. The public discourse around issues such as immigration, multiculturalism, refugees and citizenship in recent years has carried value laden messages about Australian – ness, Australian citizenship, Australian values and Australian lifestyles, seeking to exclude many groups who are considered not to conform.

While Australia has its history steeped in deep racism, the growth of such in the last 20 years has increasingly manifested inside the school gates. This is a result of the increased globalisation, prevalence of twenty four hour news cycles, enhanced social media platforms and the political contexts in which schools have been required to operate as microcosms of our society.

Multiple state and federal elections during this period which featured dog-whistle politics related to race, immigration ie 'illegals' 'boat people', have meant that public schools have been required to respond to increasing incidents of racism, including significant racial and religious vilification, in public schools over this time.

These have occurred within the teaching service, student populations, as well as parent and public school communities more widely and have escalated in line with events of this nature in broader society, as well as in some communities with increasing numbers of new arrival migrant, international and refugee students enrolling in their local public schools.

Local and worldwide events such as the attack on the World Trade Centre of 2001 and the ongoing terrorist attacks of that period, the Cronulla Riots in 2005 and more recently with Covid and Black Lives Matter and the Voice Referendum as examples, have meant that many schools, principals and teachers have been required to respond to escalating tensions across their communities.

The context created by far too many media outlets and politicians signalled to the broader population that racist attitudes and behaviours were acceptable and justified under arguments of 'free speech' which exacerbated an already fragile aspect of our society.

The frequency with which our members have sought assistance for their schools and individual teachers to address racism in their classrooms, staffrooms, schools and broader communities is disturbing.

Teachers, in the main, do not feel equipped to tackle these matters with other adults. They often lack confidence, fear confrontation and isolation. They seek greater expertise and support to address what they know is wrong.

It is having a significant impact on these teachers' mental health. Many principals too have grappled with the complexity that incidents and themes of racism in their schools and communities can bring.

They are not just simply matters of discipline but require planning, cooperation, deep understanding of the issues underpinning such behaviours and often the involvement of experts, community leaders and outside agencies. A policy document with links to resources and further online courses more than often does not help, even if they did have the time to do this after hours, which they do not.

The research and statistics which highlight the level of racism in schools, for students, and the long-term impact of such on their mental health, again serves to highlight the need for further legislative support.

Schools do not operate independently of their local and broader communities but in fact are deeply embedded within them. To have any meaningful and significant impact in this area, schools will be assisted by strong messages and actions from governments which signal unacceptable community standards of behaviour, in relation to racial and religious vilification.

## **2. Criminal vilification offences in other Australian and international jurisdictions, and the desirability of harmonisation and consistency between New South Wales, the Commonwealth and other Australian States or Territories**

Harmonisation across Australian jurisdictions should not be a reason for changes to NSW legislation simply to ensure consistency, but rather should be considered where the harmonisation process will result in real improvements in protections for people subjected to racial and religious vilification. Legislative change should only be made when it is in the interest of the wider community.

As outlined by the Australian Human Rights Commission:

*To establish racial vilification of a criminal nature, it is usually necessary to establish a high level of harassment or potential threat. While the distribution of offensive material may form one end of the continuum of behaviours prohibited under state criminal law, generally, incitement to violence, threats to person or property, and so on, are required in order for state or federal criminal provisions to apply<sup>5</sup>.*

The Federation's position is that to see meaningful changes to the incidence of racist and anti-religious behaviour, the criminal offence of vilification under section 93Z should exist within the context of broader criminal and civil protections. Gail Mason, Professor of Criminology, School of Law University of Sydney, has explained that while Australian jurisdictions have not taken a consistent approach to the regulation of hate crime generally, criminal vilification on specified grounds operate in most jurisdictions.<sup>6</sup> Further, that while Australian jurisdictions are overdue for reform of hate crime laws, such reform should be premised on "consultation with stakeholder communities, who need to be armed with realistic expectations about the value and implications" thereof.<sup>7</sup> Professor Mason also points to the benefits that a penalty enhancement model such as that in the United Kingdom may have in prosecution of hate crimes when compared with the present underutilisation<sup>8</sup> of prejudice or hatred of a particular group as an aggravating factor<sup>9</sup> for criminal sentencing purposes or for prosecutions for criminal incitement and vilification laws in Australia (which are of limited scope).<sup>10</sup>

The Federation also notes that approval from the equivalent body to the NSW DPP is required prior to prosecuting vilification offences in other Australian jurisdictions.

---

<sup>5</sup> 'Australian Human Rights Commission', *Racial Vilification Law in Australia* (Web Page) <<https://humanrights.gov.au/our-work/racial-vilification-law-australia>>

<sup>6</sup> Gail Mason, 'Penalty Enhancement Laws: A Model for Regulating Hate Crime in Australia' (2021) 48(2) *University of Western Australia Law Review* 470, 471

<sup>7</sup> *Ibid*, 474

<sup>8</sup> *Ibid*, 473

<sup>9</sup> *Crimes (Sentencing Procedure) Act 1999* (NSW) s 21A(2)(h)

<sup>10</sup> Gail Mason, 'Penalty Enhancement Laws: A Model for Regulating Hate Crime in Australia' (2021) 48(2) *University of Western Australia Law Review* 470, 487

### **3. The availability of civil vilification provisions in the *Anti-Discrimination Act 1977 (NSW)***

The current requirement for the involvement of the DPP is not the only reason for the fact that there have not been a higher number of people charged under this section. The presence of civil vilification provisions within the *Anti-Discrimination Act 1977 (NSW)* provides an alternative pathway by which vilification on racial and religious grounds can be pursued, with powers bestowed upon NCAT in the form of orders if a complaint is substantiated in part or in whole.<sup>11</sup> However, noting proposed amendments within the Equality Legislation Amendment (LGBTIQA+) Bill 2023 (NSW), the vilification provisions in the *Anti-Discrimination Act 1977 (NSW)* do not cover the same groups of individuals as section 93Z of the *Crimes Act 1900 (NSW)*. Further, behaviour of a racist or anti-religious nature more generally is rarely as overt as vilification.

As defined by Anti-Discrimination NSW, racism can be what is said or written but is more broadly:

*when you have been treated less favourably than somebody else because:*

*of your race*

*you are the relative, friend or colleague of someone of a particular race<sup>12</sup>.*

The definition of racism and therefore racist behaviour is much broader than that of vilification, and there continues to be a place for Anti-Discrimination NSW's management of complaints about discrimination and , NSW Civil and Administrative Tribunal referral of such complaints in accordance with the *Anti-Discrimination Act 1977 (NSW)* and criminal laws designed to address hate crime (inclusive of 93Z of the *Crimes Act 1900 (NSW)*), to protect the citizens of NSW.

The role of Anti-Discrimination NSW and NCAT therefore serves a different, but complementary purpose in the deterrence of racial and/or religious discrimination.

### **4. The impacts on freedoms, including freedom of speech, association and religion**

Federation agrees that there should be laws to protect people against racial and religious vilification in addition to vilification on the basis of sexual orientation, gender identity, intersex status or because they are living with HIV or AIDS.

Individual rights must be balanced so that one person's right to be free from racism is of equal importance to the freedom of another to hold religious beliefs. Federation articulated this need to provide protection from discrimination in its 2020 submission to the NSW Joint Select Committee on the *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*.

*Federation is of the opinion that this bill should be defeated as it would have the effect of placing the right to religious beliefs and the right to live according to religious beliefs above other rights. The bill proposes to give new privileges to people of faith, while overriding existing protections from discrimination for others.*

---

<sup>11</sup> Anti-Discrimination Act 1977 (NSW), s 108

<sup>12</sup> 'Anti-Discrimination NSW', Race discrimination (Web Page) <<https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/discrimination/types-of-discrimination/race-discrimination.html>>

*To place one aspect of discrimination or rights above all others is contrary to the aims of the current Anti-Discrimination legislation. This legislation states that it is An Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons.*

*Therefore, if the aim of the act is 'to promote equality of opportunity', then it is contradictory to this aim to provide a section which effectively excludes religious organisations from current Anti-Discrimination Legislation.*

Noting the specificity of the offence in question, Federation does not view that the existing provisions of section 93Z impact significantly on freedoms, including freedom of speech, association and religion.

Federation holds concerns regarding the impact of disinformation and "free speech" comments promoted by individuals and media outlets. Such comments in relation to trans people have resulted in an increase in online and in-person anti-trans hate and violence to alarming levels. Such reported correlations reinforce the need to ensure that anti-vilification laws protect vulnerable groups against those professing "free speech" when they are in fact inciting hatred and violence.<sup>13</sup>

## **5. The need to promote community cohesion and inclusion**

The main purpose of a criminal offence of vilification should not be to provide more opportunities for arrests and convictions, but rather to strengthen the law as a deterrent, and in doing so, to provide the necessary architecture for what is acceptable in society and to explicitly state what is not.

If the community are aware that racial and religious vilification could lead to conviction of an offence and imprisonment, this sends a clear message that such behaviour is unlawful and contrary to community standards. Having confidence that the law behind them can support community members to have the confidence to speak and act against extreme views of others.

The principles outlined in our statement 'Federation rejects racism' apply not just to schools but to all workplaces and other groups in society.

*The policy stipulates that all schools have the responsibility to eliminate direct and indirect racism, challenge the attitudes that allow vilification and harassment, and ensure that sanctions are applied against racist and discriminatory behaviours.*

*Silence and denial are the two major impediments to countering racism in society. To effectively counter racism, antiracism education strategies need to be implemented across the full range of school activities, from whole-school to specific teaching and learning in the classroom.<sup>14</sup>*

---

<sup>13</sup> Reported in "Fuelling Hate, Abuse, Harassment, Vilification and Violence Against Trans People In Australia by Trans justice Project and Victorian Pride Lobby 2023. <<https://transjustice.org.au/wp-content/uploads/2023/08/Fuelling-Hate-Anti-Trans-Abuse-Harassment-and-Vilification-WEB-SINGLES-1-1.pdf>>

<sup>14</sup> 'NSW Teachers Federation', *Federation Rejects Racism* (Web article <<https://www.nswtf.org.au/news/2022/05/24/federation-rejects-racism/>>

## 6. Federation's position on the existing provisions in section 93Z of the *Crimes Act 1900 (NSW)*

Federation notes that the current provisions of section 93Z(4) allowing for police prosecutions will operate for a period of two years, and prior to these recent amendments to the Crimes Act there has been limited use of the existing provisions, a fact which has been attributed to the power to commence proceedings resting exclusively with the Director of Public Prosecutions.<sup>15</sup> There is some merit in this argument when it is considered that there were two successful convictions by NSW Police dating from 2020,<sup>16</sup> which were annulled due to the fact that the consent of the DPP was not obtained prior to prosecuting the offence.<sup>17</sup>

However, Federation acknowledges there are likely difficulties with public perception associated with police prosecutions under section 93Z. Police may exhibit personal bias and/or due to varying levels of training and experience, apply inconsistent understandings to the legislation when deciding who to charge and not charge.

Concerns with the extension of police powers in relation to laying charges of vilification have been expressed by other civil and religious groups in NSW.

The NSW Committee for Civil Liberties has stated:

*NSW Police have not overcome entrenched hostility to some vulnerable communities, as demonstrated by the recent report of the Special Commission of Inquiry into LGBTIQ hate crimes.*<sup>18</sup>

The Australian National Iman's Council's position is:

*The proposed amendments to remove the DPP will likely result in unintended consequences without providing the desired outcomes. For instance, it will involve police officers being required to apply a complex law. It will give rise to risks of inconsistent application and prosecution actions being found to be invalid or dismissed down the track.*<sup>19</sup>

The perceptions of NSW Police by individuals experiencing racial and religious vilification are likely to parallel those of the LGBTIQ+ community, which has the potential to negatively

---

<sup>15</sup> 'Mahmud Hawila', *The need to criminalise hate crimes* (Web Article) <

<https://barnews.nswbar.asn.au/summer-2021/23-the-need-to-criminalise-hate-crimes/>>

<sup>16</sup> New South Wales, *Questions and Answers*, 8 November 2022, "8694 - PROSECUTIONS UNDER S93Z OF THE CRIMES ACT" [17] < <https://www.parliament.nsw.gov.au/hp/housepaper/28874/QuestionsAndAnswers-LA-175-20221108-Proof.pdf>>

<sup>17</sup> Evidence to Portfolio Committee No 5 - Legal Affairs, Parliament of NSW, Sydney, 2 March 2021, 21 (Hon. Mark Speakman, Attorney General, and Minister for the Prevention of Domestic Violence)

<sup>18</sup> 'Shibu Thomas' *NSW Government Orders Review Into Hate Speech Law* (Web Article)

<<https://www.starobserver.com.au/news/national-news/new-south-wales-news/nsw-government-orders-review-into-hate-speech-law/228114>>

<sup>19</sup> *ANIC Concerned About Rushed Approach to Amending Section 93z of the Crimes Act (NSW)* (Web Article)

<<https://www.anic.org.au/news/anic-concerned-about-rushed-approach-to-amending-section-93z-of-the-crimes-act-nsw/>>



impact on communities, including Indigenous communities. These concerns are illustrated by recent events in Moree and other towns.<sup>20</sup>

There is a continued need for the DPP to have the ability to prosecute in relation to section 93Z, as the police undertaking duties within the community, or in the monitoring of media and social media, are already responding to issues arising from hate speech, discrimination and racial tensions and violence, but may not necessarily have access to, or evidence of those directly responsible for inciting it, organising it, promoting it or encouraging it.

As stated previously, Federation notes that approval from the equivalent body to the NSW DPP in other Australian jurisdictions is required prior to prosecuting vilification offences.

## **7. Other matters which the Federation considers relevant**

Federation considers it important that all LGBTQ+ people should be protected against vilification and supports broad definitions that are inclusive of non-binary, intersex, bisexual and pansexual identifying people.

This could be achieved by passage of the Equality Legislation Amendment (LGBTIQA+) Bill 2023, however, it should be considered in this inquiry. Ideally consistent definitions should be used across criminal and anti-discrimination legislation to ensure consistency of application and protections.

---

<sup>20</sup> 'Jordyn Beazley' NSW police say they will keep locking up young offenders but advocates say approach is 'draconian' (Web Article) < [NSW police say they will keep locking up young offenders but advocates say approach is 'draconian' | Australian police and policing | The Guardian](#)>

## Resource List

Anti-Discrimination Act 1977 (NSW), s 108

Anti-Discrimination NSW, Race Discrimination, <https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/discrimination/types-of-discrimination/race-discrimination.html>

Australian Education Union, Making our words and actions meet, Understanding the experiences of Aboriginal and Torres Strait Islander educators in the workforce. (2023)

<https://www.aeuvic.asn.au/sites/default/files/2024-03/AEU%20Jumbunna%20Institute%20Report%202023%20Final.pdf>

Australian Human Rights Commission, Racial Vilification Law in Australia.

<https://humanrights.gov.au/our-work/racial-vilification-law-australia>

Australian Nation Imans Council , [ANIC Concerned About Rushed Approach to Amending Section 93z of the Crimes Act \(NSW\) » ANIC](#),

*Crimes (Sentencing Procedure) Act 1999* (NSW) s 21A(2)(h)

Mason. Gail, 'Penalty Enhancement Laws: A Model for Regulating Hate Crime in Australia' (2021) 48(2) *University of Western Australia Law Review* 470, 471

NSW Bar Association, [The need to criminalise hate crimes | BarNews \(nswbar.asn.au\)](#)

NSW Government, [8694 - PROSECUTIONS UNDER S93Z OF THE CRIMES ACT \(nsw.gov.au\)](#)

NSW Government, [Transcript - Tuesday 2 March 2021 - CORRECTED.pdf \(nsw.gov.au\)](#), page 21

NSWTF, *Anti Racism Policy*, as attached.

NSWTF, *Black lives and what really matters*, <https://www.nswtf.org.au/news/2020/06/10/black-lives-and-what-really-matters/>

NSWTF, *Federation Rejects Racism*, <https://www.nswtf.org.au/news/2022/05/24/federation-rejects-racism/>

Thomas. Shibu, "NSW Government Orders Review into Hate Speech Law", *Star Observer* Jan 19. 2024. <https://www.starobserver.com.au/news/national-news/new-south-wales-news/nsw-government-orders-review-into-hate-speech-law/228114>

Transjustice, "Fuelling Hate, Abuse, Harassment, Vilification and Violence Against Trans People In Australia by Trans justice Project and Victorian Pride Lobby 2023 ..<https://transjustice.org.au/wp-content/uploads/2023/08/Fuelling-Hate-Anti-Trans-Abuse-Harassment-and-Vilification-WEB-SINGLES-1-1.pdf>



## NSW TEACHERS FEDERATION ANTI-RACISM POLICY

The NSW Teachers Federation has a strong tradition of pursuing social justice issues, including showing leadership in supporting members in eliminating racism.

Public education teachers, in their role as educators and unionists, have an ethical responsibility to eliminate racism in all its forms. Challenging racism requires an on-going commitment from educators. This includes teachers applying their knowledge of the cultural and linguistic backgrounds of their students to their teaching practice.

The principles of multiculturalism as defined by the 'Community Relations Commission and Principles of Multiculturalism Act 2000' are the policy of the state and accordingly, each public authority must observe the principles of multiculturalism in conducting its affairs.

The NSW Government is obligated to ensure that the services its agencies provide meet the needs of the state's increasingly diverse multicultural and Aboriginal communities. As such, the Department of Education and Communities (DEC) has responsibility for the implementation of these principles in all public education settings. This includes the responsibility for planning, conducting and reporting of strategies that meet the principles of cultural diversity.

Federation is committed to the continual review of anti-racism policies to reflect the dynamic, contemporary teaching and learning context, in line with the history of Federation's Aboriginal Education Policies.

### **Background and Rationale**

The devolution of greater responsibility to the local level requires more stringent accountability measures when implementing multicultural and Aboriginal education policies, to counter negative impacts on culturally and linguistically diverse communities in NSW public schools, TAFE colleges, Corrective Services and other public education settings.

DEC policies commit all schools to providing opportunities for students to achieve equitable educational and social outcomes:

- *"Strengthen understanding of racism among staff and students to help them identify and challenge and reduce the impacts of racism.*
- *Embed student wellbeing approaches to increase student engagement, participation and retention"* DEC Aboriginal Education Strategy (2009-2012)

*"Schools will provide teaching and learning programs that enable students from all cultures and communities to identify as Australians within a democratic multicultural society and to develop the knowledge, skills and values for participation as active citizens."* Multicultural Education Policy 1.2

Anti-racism education is central to ensuring that students, regardless of their cultural background, have full access to quality programs.

### **Attacks on Funding**

Targeted funding for Community Languages, English as a Second Language (ESL), the New Arrivals Program (NAP) and Aboriginal education has enabled public education to recognise and meet the needs of these students.

Federation will continue to campaign against any dismantling of system wide programs, including targeted ESL and refugee support and anti-racism education. The ESL support infrastructure, developed over the last four decades as part of the national and state response to the English language learning needs of migrant and refugee children entering NSW public schools, underpinned the very values of anti-racism policy and legislation.

Federation will continue to oppose and campaign against cuts to Aboriginal and Multicultural education.

### **Professional Learning and Curriculum**

Federation endorses ongoing and appropriate teacher professional learning to support members in overcoming racism. Current curricula provide many positive opportunities for teachers to highlight the values of multicultural and anti-racism education. These opportunities must be explored and utilised in teaching programs and practice with the aim of eliminating racism in all its forms.

## **ACTION:**

1. Federation will pursue with the DEC its obligation to implement the *Multicultural Education in Schools* and *Aboriginal Education Policies*, in all public education workplaces.
2. Federation's Senior Officers will continue to lobby both State and Federal governments to ensure funding for Aboriginal Education and Multicultural Education is maintained and enhanced.
3. Federation will negotiate with the DEC to establish greater and more transparent accountability mechanisms, which will include the guarantee that the role of the Anti-Racism Contact Officer (ARCO) in every public school complies with the Principles of Multiculturalism Act (2000).
4. Federation will continue its commitment to a range of anti-racism activities which will include:
  - a) forums to promote Federation's anti-racism policies and objectives, and
  - b) developing and distributing materials for use in all public education workplaces.
5. Federation will seek information from schools about anti-racism strategies and multicultural activities and use the findings to further develop campaign action.
6. Federation will develop an information leaflet to assist in overcoming racism and to provide further advice on implementation of Federation's anti-racism policy.
7. To strengthen union campaigns, Federation will encourage the active participation of members who reflect the cultural diversity of the union's membership. Strategies could include:
  - a) statistical analysis to establish the group(s) most in need of support,
  - b) targeted Trade Union Training and campaign courses, and
  - c) support for Associations to develop more inclusive practices at a local level.
8. Federation will develop an anti-racism training component for inclusion in Trade Union Training courses, and will pursue the inclusion of appropriate anti-racism pre-service training in university education courses.
9. Federation will use the findings of current academic research being conducted on racism, multicultural education, Aboriginal education and social inclusion to guide and inform the union's campaigning.
10. Federation will engage with other branches of the AEU and affiliated bodies to build a national support base which will promote anti-racism activities.
11. Federation will advocate for the right of asylum seekers, regardless of visa status, to freely access education in public schools and TAFE colleges, in accordance with the Community Relations Commission and Principles of Multiculturalism Act 2000 – Section 3 (e), which states 'all individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programmes provided or administered by the Government of New South Wales'.
12. Federation will endorse appropriate campaigns that aim to promote and uphold the human right of all people to be treated in a dignified, respectful, non-racist manner.
13. Federation will endorse and commit to being a supporter of the Australian Human Rights Commission Campaign – "RACISM. STOPS WITH ME".

