



WITH:



**April 2024**

**SUBMISSION -**

**RE: NSW Law Reform Commission review of section 93Z of the Crimes Act 1900 (NSW) in addressing serious racial and religious vilification in NSW.**

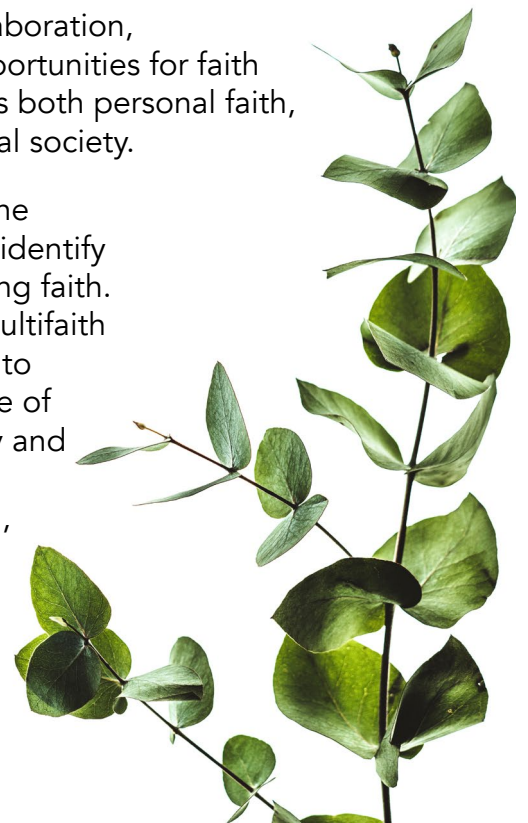
**By email: [nsw-lrc@justice.nsw.gov.au](mailto:nsw-lrc@justice.nsw.gov.au)**

Thank you for the opportunity to provide comment and perspective from the Faith Communities of NSW, in reference to the review of 93z.

Faith NSW, together with Better Balanced Futures (BBF) as research partner, brings together various faith communities of the people of NSW. Our faith leaders work respectfully with one another, and with all levels of government and political leaders, on issues that matter to people of faith. During COVID, BBF was the go-to point for the government and health department to liaise with faith communities – and our strong advocacy played an important, recognised role in providing health and wellbeing to so many, as we wrestled with the pandemic.

Faith NSW and BBF represent our ongoing multi-faith collaboration, engagement, advocacy, and commitment to providing opportunities for faith to flourish in NSW, recognising the invaluable contributions both personal faith, and the faith communities, make to our diverse multicultural society.

NSW is one of the strongest multicultural communities in the world, with census data showing that 60% of NSW people identify with a religion, with many new migrants also sharing a strong faith. We celebrate the rich contribution that multicultural and multifaith communities bring to NSW, coming together and learning to live harmoniously. We are committed to ensuring all people of faith have the freedom to practice that faith, and live safely and securely, in our remarkable home of Australia – creating a more cohesive society that promotes better understanding, respect and acceptance, enriching our strong multicultural NSW.



We represent the broad, diverse, multicultural and multifaith nature of the faith communities in NSW – and we welcome the opportunity to create this submission.

***Better Balanced Futures and Faith NSW would like to submit comment and research on the following terms of reference:***

1. the impact of racial and religious vilification on all parts of the NSW community;
2. the impacts on freedoms, including freedom of speech, association, and religion;
3. and, the need to promote community cohesion and inclusion;

It's evident our faith communities are living in limbo when it comes to hate, and extremism is becoming a greater risk. Legislation needs to be a sufficient deterrent for these behaviours. Where the threshold in the 93z legislation is placed is important, and needs research and review. Simultaneously, freedom to express the tenets, doctrines and beliefs of a particular faith need to be preserved. Further, when laws are put in place, and societal agencies use them, the way they are briefed, engaged with, actioned, and outworked in the community is equally important, so that faith communities are not disenfranchised.

Thank you for your consideration.

***Murray Norman***  
***CEO, Better Balanced Futures***  
***CEO, Faith NSW***



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

We are concerned by the increased prevalence of vilification based on religious belief and/or activity in both our nation's schools and general society. We note, in particular, the increased incidences of religious vilification faced by those of the Islamic, Jewish and Hindu faiths.

Australia is the most multicultural nation on earth:

- The proportion of Australians affiliated with religions other than Christianity is growing: 1991 – 3%, 2011 – 7%, 2021 – 10%.
- 50% of NSW residents have at least one parent born overseas.
- 22.3% of Australians use a non-English language at home – and in the Sydney CBD, this figure is much higher, at 61%

(ABS, 2021).

We are a multicultural and multifaith nation. Antisemitism, Islamophobia, Hinduophobia, and all forms of religious vilification have no place in our society.

The impact of both racial and religious vilification is far-reaching and long-lasting – not only does it fragment our society, but also tarnishes our international reputation, impacting migration and trade and other core international relations issues.

McCrinkle (2022) found that:

- 75% of Australians consider prejudice against others to be negatively impacting Australian society today.
- 74% of Australians believe racism is negatively impacting society today.
- 24% of Australians have experienced discrimination because of their religion or religious views.

McCrinkle (2022) also found that the problem is becoming worse, and is a much larger threat to our younger generations:

- Younger residents are more likely to face religious discrimination (Gen Z 50%, Gen Y 47%, compared to Baby Boomers 34% and Builders 38%).
- Minority religions are also almost twice as likely to experience discrimination.



## 2. The need to promote community cohesion and inclusion.

As the most multicultural nation on earth – and increasingly so – Australia has an enormous need for social cohesion. This is not something we can assume on and need to actively build a positive culture of acceptance, tolerance, and freedom of belief – and expression of it – whilst at the same time ensuring that hate speech and all forms of religious vilification are unacceptable.

### **SCHOOLS PLAY A VITAL ROLE IN FOSTERING UNITY, TOLERANCE AND ACCEPTANCE AMIDST BOTH FAITH AND CULTURAL DIVERSITY IN OUR COMMUNITIES.**

Education is a vital element in developing social cohesion, tolerance, and acceptance within diversity in our young people, and needs to be both built and maintained within our education system. Education is well-researched to also provide strong counter measures for religious bullying and vilification, which is on the rise within our multicultural and multi-faith society.

### **RESEARCH WITH INTERNATIONAL EXPERTS INTO RELIGIOUS EDUCATION IN SCHOOLS, AND GENOCIDE – LEARNINGS FOR PROMOTING SOCIAL COHESION IN AUSTRALIA**

Better Balanced Futures recently completed a Churchill Fellowship research project, visiting seven countries to prepare a report into world's best practice for religious education in schools. Global experts in countries such as Finland and the UK have concluded that a key outcome of religious education is social cohesion, and their countries put significant resource into these programs (Norman, 2023).

Further, in discussions with Dr Navras Aafreedi<sup>1</sup> in India (a global expert in causes of genocide), and other colleagues internationally, it was intriguing to hear their perspective on how best to promote social cohesion in extreme situations. Education was viewed as of paramount importance – and when it comes to promoting social cohesion, these experts recommend building curriculum around an understanding of other's religion, culture, customs, and festivals, as well as a strong understanding of someone's own beliefs and worldviews. When students gain a greater understanding of others' beliefs and worldviews (as opposed to an analysis focussed on comparing histories or pain), together with an opportunity to engage with their own beliefs and worldviews, they are less likely to engage with discriminatory thoughts and behaviours. Instead, the school – and the wider community – will enjoy the benefits of a more cohesive society.

<sup>1</sup>Aafreedi, Dr Navras J.: Assistant Professor, Department of History, Presidency University, Kolkata, India. Research Fellow, Institute for the Study of Global Antisemitism and Policy (ISGAP), New York, USA.



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

In addition to the discussion and research presented above, we would like to refer to and endorse the submissions made by:

- **Anglican Church Diocese of Sydney**

- **Australian National Imams Council**

*“The presumption that terrorism is inherently tied to religion is not only inaccurate but harmful. This misconception persists despite extensive scholarly work demonstrating that terrorism is driven by political and ideological motives, not religious faith.”*

*“Our (Islamic) community seeks justice and equitable treatment. We stand for a society where all individuals, irrespective of their faith or background, are treated with fairness and dignity” (ANIC, 2024).*

- **And, bring attention to statements from The Hindu Council of Australia:**

*“In summary, the Hindu Council is of the view that scope of s93Z which provides that a person commits a crime if they intentionally or recklessly threaten or incite violence towards another person on the grounds of their race or specific religious belief or affiliation, is very narrow. In its current form, s93Z does not capture conduct that incites or promotes hatred, ridicule or contempt because of a person’s race or religious beliefs or affiliation. This is illustrated by the fact that not a single conviction has been achieved in the last six years since this section was introduced in the Crimes Act.”*

*“The Hindu Council has strongly advocated for broadening of the scope of s93Z so that simpler forms of harm, such as inciting hate or serious contempt or abuse or ridicule towards Hindus owing to their race or religious beliefs or affiliation is included in s93Z” (Hindu Council, 2024).*

- **And, in support of the Jewish community’s position, refer to a statement made by Senator Dave Sharma (former Ambassador to Israel):**

*“If section 93z is adequate, then surely we should have seen charges laid by now – NSW Liberal Senator Dave Sharma” (Demetriadi, 2024).*



## REFERENCES:

- ANIC. (2024). Australian Muslim Community calls for transparency and accountability of Law Enforcement Action. Retrieved 26/4/24 from: <https://www.anic.org.au/news/australian-muslim-community-calls-for-transparency-and-accountability-of-law-enforcement-action/>
- Australian Bureau of Statistics (ABS). (2021). Census 2021. Retrieved April, 2024 from: <https://www.abs.gov.au/census/find-census-data>
- Demetriadi, A. (2024). NSW's top prosecutor has 'no issues' with 'inoperable' hate-speech laws. The Australian, March 11, 2024. Retrieved from: <https://www.theaustralian.com.au/nation/nsws-top-prosecutor-has-no-issues-with-inoperable-hatespeech-laws/news-story/43611e08901e6755738b9bac5ef83fe5?amp&nk=88b724a2e9ddd423938ce718c3e4eae2-1714460997>
- Hindu Council. (2024). Strengthen Hate Laws. Hindu Council of Australia. Retrieved 24/4/2024 from: <https://hinducouncil.com.au/new/strengthen-hate-laws-in-nsw/>
- McCrinkle. (2022). (1) Study of Special Religious Education and its value to contemporary society; (2) How in-faith Religious Education can strengthen social cohesion in multicultural Australia; (3) Special Religious Education in Australia; and (4) Exploring the value of Special Religious Education in Australia. McCrinkle for Better Balanced Futures.
- Norman, M. (2023). An investigation into world's best practice for Religious Education in schools. Churchill Fellowship. Retrieved April, 2024 from: <https://www.churchilltrust.com.au/nsw/fellow/murray-norman-nsw-2019/>



WITH:

