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'We are all at risk': state government urged to amend NSW race hate laws



Michaela Whitbourn

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The NSW government is under pressure to amend race hate laws to crack down on violent extremists, as prominent community and religious leaders join forces to push for change.

World-first laws criminalising serious racial vilification involving a threat of violence, or inciting others to threaten violence, were introduced by the Greiner Liberal government in 1989 but have not resulted in a single prosecution.

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From left: International Coptic Union vice-president Hany Gayed, NSW Jewish Board of Deputies Vic Alhadeff, the Chinese Australian Forum's Tony Pang and Imam Wessam Charkawi of the Australian National Imams Council are members of the Keep NSW Safe coalition. Photo: Edwina Pickles

The 2005 Cronulla race riots led to charges against its ringleaders but police relied on other offences such as encouraging riot and affray, which are procedurally less complex and have higher maximum sentences.

An alliance of 31 community groups and leaders called the Keep NSW Safe coalition, including the Australian National Imams Council,

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Hindu Council of Australia and Chinese Australian Forum, is urging the government to amend the laws to increase the maximum penalty and make it easier to bring prosecutions.



From left: Imam Wessam Charkawi, Tony Pang, Aboriginal leader Auntie Shireen Malamoo, Vic Alhadeff, the Australian-Cook Islands Community Council's Margaret Nekeare-Cowan, the Australian Hellenic Council's Con Tagaroulis and Hany Gayed support changes to the Anti-Discrimination Act. Photo: Edwina Pickles

An independent report canvassing the community response to potential changes will be delivered to the government by Wednesday.



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Vic Alhadeff, spokesman for the Keep NSW Safe campaign and chief executive of the NSW Jewish Board of Deputies, said: "The government has acknowledged that the law is unworkable and now is the time to fix it".

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"It's easy to talk about communal harmony, but another matter altogether to enact meaningful laws that actually protect it," Mr Alhadeff said.



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"Either we oppose giving platforms to bigotry and violence or we don't. We are all at risk if the law cannot protect us."

A [cross-party parliamentary review in 2013](#) concluded the effectiveness of the offence, in Section 20D of the Anti-Discrimination Act, was hindered by "procedural impediments" such as requiring the Attorney-General to consent to a prosecution.

Despite promises in 2015 the government has not yet taken action to amend the law. Shadow Attorney-General Paul Lynch accused the government of "extraordinary sloth, delay and indolence" and said the changes were "well overdue".

"The government has been stuck for about four years in an internal ideological wrangle over whether to stop hate speech," Mr Lynch.

Under a proposal by the Keep NSW Safe alliance, the offence would be broadened to public acts intentionally or recklessly "promoting" rather than "inciting" hatred of a person or group based not only on race but on religious, transgender, homosexual or HIV/AIDS grounds. The maximum prison sentence would also be increased from six months to seven years.

The Labor Opposition introduced a bill last year incorporating many of these changes, bar the increase in maximum sentence. It was knocked back by the government and re-introduced this year.

Liberal MP Damien Tudehope, the member for Epping, said last year the bill threatened "freedom of speech".

Tony Pang, from the Chinese Australian Forum, said: "We all believe in freedom of speech but that is not absolute, especially when the speech is one of serious incitement to hatred [and] violence on the ground of race."

Attorney-General Mark Speakman said he was "keen to resolve the section 20D issue quickly" after receiving the expert report this week.

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