

**ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND  
EQUALITY) BILL 2020**

**Organisation:** Australian Muslim Advocacy Network (AMAN)

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# **Submission**

**To the NSW Joint Select Committee on the  
Anti-Discrimination Amendment (Religious  
Freedom and Equality) Bill 2020**



**AMAN**

AUSTRALIA MUSLIM ADVOCACY NETWORK

## Table of Contents

INTRODUCTION .....	1
THE CORE BENEFITS OF THE BILL .....	2
VILIFICATION - A PROTECTION THAT MUST BE ADDED .....	3
AREAS OF CAUTION IN REGARD TO THE BILL.....	11
SCENARIO ANALYSIS.....	14
CONCLUSION .....	15
SUMMARY OF RECOMMENDATIONS .....	16

## Introduction

1. The Australian Muslim Advocacy Network (AMAN) is a national policy development and advocacy body dedicated to securing the physical and psychological welfare of Australian Muslims.
2. AMAN welcomes the Committee's invitation to consider the NSW Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.
3. Our objective to create conditions for the safe exercise of our faith and preservation of faith-based identity, both of which are under persistent pressure from vilification, discrimination and disinformation.
4. The terms of reference include the suitability of the objectives of the Bill and the terms of the Bill in achieving those objectives. The following interactions, as outlined in within the terms of reference, are considered in this submission.
  - a. Existing rights and legal protections contained in the Anti-Discrimination Act 1977 (NSW) and other relevant NSW and Commonwealth legislation;
  - b. The interaction between Commonwealth and NSW anti-discrimination laws and the desirability of consistency between those laws, including
  - c. The draft Religious Discrimination Bill 2019 (Cth)
5. This submission opens by addressing the clear advantages of this Bill, before noting some areas of caution, and concludes with key recommendations.

## The core benefits of the Bill

6. AMAN supports the introduction of protection against unlawful discrimination, direct and indirect, on the grounds of religious belief or activity in s 22L. This provision reflects the language used in existing anti-discrimination provisions on other grounds covered by the *Anti-Discrimination Act 1977* (NSW), **and repairs a significant and harmful gap at law.**
7. AMAN supports the introduction of s 22P that shields contract workers from discrimination on the ground of their religious beliefs or activities. The inherent vulnerability faced by contract workers is well known and this provision legislates in support of them.
8. AMAN supports ss 22T, 22U, which provides more detailed guidance on non-discrimination to employment agencies. The Bill also extends protection to people who are existing or prospective commission agents under s 22O; who are prospective or current members of industrial organisations under s 22R; or a prospective person in a partnership in s 22Q.
9. Furthermore, it extends the responsibility to not discriminate to educational authorities under s22V, providers of goods or services under s 22W, providers of accommodation under s 22X, and registered clubs under s 22Y.
10. AMAN supports these standard non-discrimination provisions being fast-tracked into legislation.
11. Furthermore, AMAN agrees *in principle* that employees should not be punished, sanctioned, restricted, limited, prohibited or otherwise prevented from engaging in protected activity, like expressing their religious views, outside of work, but only if it is clarified that nothing in this Bill overrides existing vilification protections in NSW. Section 22N(3) is discussed further later in this submission.

## **Vilification - A protection that must be added**

12. In NSW, it is against the law to vilify people on the basis of race, homosexuality, transgender status and HIV/AIDS status. Jews and Sikhs are able to seek vilification protection under the race and ethno-religious group protection.
13. In NSW, Muslims were found to not have a singular 'ethno-religious' origin.<sup>1</sup> In the case, Sonia Kruger's remarks on the Today show were found to constitute vilification against Muslims, but given the gap in the legislation, it was deemed to be lawful. The Tribunal described the damaging nature of Kruger's remarks:

Ms Kruger was stating, in effect, that the Australian Muslim community as a whole was a threat to the safety of the citizens of Australia. She did not say a particular brand or brands of Islam breeds terrorism. Her concern was about the size of the Muslim community as a whole irrespective of the nature of the membership of that community. A type of stereotyping was being made in which there was assumed to be an association between this community and terrorism, or that all members of this "Muslim community" were tarnished as potential terrorists or sympathisers of terrorism.

14. Sadly, the Kruger decision served to reinforce sentiment within the Muslim community that their dignity and security before the law somehow counted for less.
15. People should not be vilified on the basis of their religious belief or activity. This Bill extends discrimination protections to people of faith but falls short in extending vilification protections. The next section outlines why such a position is no longer tenable.

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<sup>1</sup> *Ekermawi v Nine Network Australia Pty Limited* [2019] NSWCATAD 29.



## The nature and scale of this harm

1. While it is true that Muslims are not one ethnicity or 'race', much of our community is visibly Muslim by appearance and dress and targeted by racism. Islamophobia

is seen as operating as a form of racialisation enacted through ideas and practices that amalgamate all Muslims into one group and treat characteristics associated with Muslims (violence, misogyny, political allegiance/disloyalty, incompatibility with Western values, etc.) **as if they are innate.**<sup>2</sup>

2. As Pilkington writes in relation to the far right in the UK: "This expression of hostility towards 'Islam', rather than 'Muslims' or any particular ethnic group, it is shown, is employed by activists to support claims that the movement is 'not racist'.<sup>3</sup> In Australia, there is evidence that far right groups are exploiting this perceived public leniency towards anti-Muslim bigotry.<sup>4</sup>
3. Historically, especially since the World Trade Centre attack in 2001, and the declaration of the 'Global War on Terror', which the Australian Government supported, with its military commitments to the wars in Afghanistan and Iraq – official, media, and public discourse, conflated terror with Islam. Media saturation of overseas terror groups, and the parallel discourse around 'stopping the boats' coalesced to mobilise hatred and disgust towards Muslims as a threat, and burden on Australia. There was, and still is, a paucity of understanding of the diversity of peoples that carry the Islamic faith – the fact that we come from all over the world, have brought so much to the cultural, social and economic fabric of this state, and many of our families have lived here for generations.
4. At the same time, more extreme right conspiracy theories have also been running through the internet, amplified exponentially by social media platforms. NSW produced the first mass casualty white nationalist terrorist, Brenton

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<sup>2</sup> Hilary Pilkington (2016), *Loud and Proud: Passion and Politics in the English Defence League*, Manchester University Press, p 150.

<sup>3</sup> Ibid, 125.

<sup>4</sup> Julie Nathan, 'The Rise of Australia's Activist Far Right: How Far Will It Go?', *ABC News: Religion and Ethics*, 31 January 2018.

Tarrant. Breivik (2011) and Tarrant (2019) both drew upon anti-Muslim and anti-Islam online narratives in their demographic warfare and white replacement.<sup>5</sup>

5. *The Australian* newspaper reported on 10 July 2019:

Australia is among the nations driving discussions about the “great replacement” theory that inspired Christchurch gunman Brenton Tarrant, and religious leaders warn that the spread of the extremist conspiracy theory could result in physical violence. New research from the London-based Institute for Strategic Dialogue over the spread of the theory, which originated in France and suggests white European populations are being deliberately replaced by Muslims, examined tweets and social media posts made since April 2012. It found 750,000 tweets with an “identifiable location”, with Australia one of six countries named as accounting for the most posts.<sup>6</sup>

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<sup>5</sup> von Brömssen, Kerstin. (2013). “2083 – A European Declaration of Independence” - An Analysis of Discourses from the Extreme. *Nordidactica –Journal of Humanities and Social Science Education*.

Paul Jackson (2013) The License to Hate: Peder Jensen's Fascist Rhetoric in Anders Breivik's Manifesto 2083: A European Declaration of Independence, *Democracy and Security*, 9:3, 247-269.

Benjamin J. Lee (2016): ‘It’s not paranoia when they are really out to get you’: the role of conspiracy theories in the context of heightened security, *Behavioral Sciences of Terrorism and Political Aggression*; Benjamin Lee (2016), Why we fight: Understanding the counter-jihad movement, *Religion Compass*, 259; Benjamin Lee (2015) A Day in the “Swamp”: Understanding Discourse in the Online Counter-Jihad Nebula, *Democracy and Security*, 11:3, 248-274.

Donald Holbrook (2020) The Challenge of Conspiracy Theories for Strategic Communications, *The RUSI Journal*, 165:1, 26-36.

Jacob Davey and Julie Ebner, The Great Replacement: The Violent Consequences of Mainstreamed Extremism, *Institute of Strategic Dialogue*, 2019 <<https://www.isdglobal.org/isd-publications/the-great-replacement-the-violent-consequences-of-mainstreamed-extremism/>>.

Lars Erik Berntzen & Sveinung Sandberg (2014) ‘The Collective Nature of Lone Wolf Terrorism: Anders Behring Breivik and the Anti-Islamic Social Movement’, *Terrorism and Political Violence*, 26:5, 759-779.

<sup>6</sup> Mark Schliebs, “Australia foments far-right ‘great hate’”, *The Australian*, 10 July 2019.

6. A Victoria University study in 2018 found anti-Islam groups and conspiracy theories to be a significant gateway to other forms of far-right activism and extremism – and that these narratives were prevalent on Facebook in the year before the Christchurch massacre.<sup>7</sup>

These long-standing extreme right ideological narratives are that

- a. Islam is a totalitarian political force and Muslims are a homogenised and hostile mass (Lee, 2015)<sup>8</sup>. Islam it is inherently violent and requires good Muslims to be seriously violent (Victoria University, 2018).
- b. Muslims have been backward and barbaric since the time of the Prophet (Lee, 2015, 252). Muslims as inferior, savage, subhuman, sexually deviant, inherently incompatible with the West (Victoria University, 2018).
- c. Muslims in the West are engaged in a process of 'Islamization' to eventually takeover. They are doing this in covert and overt ways:
  - i. Trojan horse: Through high fertility rates.
  - ii. Through a war with Christianity/secular West – pointing to terrorism and crime as evidence of this. (Lee, 2015)
- d. Some 'acknowledge the existence of moderates'. Many others 'point to the concept of "Taqiyya," a practice that is seen as allowing a Muslim to deny their faith if it is to the overall benefit of Islam. This, they argue, could mean the entire European Muslim population was engaged in the same plot' (Lee, 2015, 253).
- e. Once establishing Muslims as the existential threat it explains how this has happened:
  - i. Weak and incompetent political elites who allow the west to be 'run over.'

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<sup>7</sup> Dr Mario Puecker, Dr Debra Smith, & Dr Muhammad Iqbal, 'Mapping Networks and Narratives of Far-Right Movements in Victoria' (Project Report, Institute for Sustainable Industries and Liveable Cities, Victoria University, November 2018). We understand the NSW Government has carried out its own study since this one.

<sup>8</sup> Benjamin Lee (2015) A Day in the "Swamp": Understanding Discourse in the Online Counter-Jihad Nebula, *Democracy and Security*, 11:3, 248-274;



- ii. *'Progressives or multiculturalists' also referred to as "cultural Marxists" being enablers.*
  - iii. *A 'sinister' plot by political elites. This is where a range of conspiracy theories become essential to the argument. (Lee, 2015, 253).*
7. Australia's eSafety Commissioner estimates that 53% of Australian young people aged 12-17 have witnessed harmful content targeting Muslims.<sup>9</sup>
8. While social media companies have impressive sounding policies, their enforcement continues to be poor for a range of affected communities, with malignant actors very able to exploit their platforms.<sup>10</sup>
9. Apart from the low awareness in the Muslim community, there is also low awareness within the broader Australian community that these views are not regular religious criticism or slander – they have specific origins, purpose and context.

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<sup>9</sup> A national online survey of 2,448 young people: Australian Government, e-Safety Commissioner, *Young People and Social Cohesion* (2016).

<sup>10</sup> AMAN's work in this area: Australian Muslim Advocacy Network, *Submission to the Senate Select Committee Inquiry into Foreign Interference on Social Media*, 17 July 2020. "Muslim group fears Australia is importing rightwing extremist content via Facebook", The Guardian Australia, 21 July 2020; "Australian lawyers call on Facebook to crackdown on anti-Muslim comments", SBS News Online, 13 March 2020; Radio National Breakfast, "Facebook still dragging its feet on hate speech, say Aussie Muslims", 13 March 2020; "Muslim Group Calls Out Facebook's Failure To Combat Hate After Christchurch", 10 Daily, 13 March 2020.

10. This discourse is used to self-radicalise<sup>11</sup>, inspiring people to commit and condone violence against Muslims.<sup>12</sup> The link with real world violence has been established:
- a. Anti-Muslim prejudice, bigotry and hatred being a significant component to the replacement/demographic warfare theories of Breivik (2011) and Tarrant (2019),
  - b. Muslim people were the exclusive target of Tarrant,
  - c. Together they were responsible for the highest mass casualty terror attacks,
  - d. In 2019, Muslims were the most frequently attacked religious minority in Western Europe (Centre for Research on Extremism: The Extreme Right, Hate Crime, and Political Violence, University of Oslo).
  - e. The only published hate crime data in Australia found Muslims to be overwhelmingly the most targeted group (Mason, 2017, NSW police data)
  - f. Muslims in NSW and Australia experience verbal abuse and threats, physical intimidation, and physical assault.<sup>13</sup>
11. Only a fraction of hate incidents and crime are reported. From our interactions with victims, many prefer to try to forget what happened as quickly as possible, even denying deeper psychological impacts on whole families, which can lead to family isolation and breakdown, job loss, and

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<sup>11</sup> Matthew Feldman, "Radical Right Terrorists Are Usually Self-Radicalized", *RANTT Media*, 22 July 2020; Dr Andre Oboler, Dr Patrick Scolyer-Gray and William Allington, 'Hate and violent extremism from an online sub-culture: The Yom Kippur Terrorist Attack in Halle, Germany' (Online Hate Prevention Institute, December 2019).

<sup>12</sup> Paul Jackson (2013) *The License to Hate: Peder Jensen's Fascist Rhetoric in Anders Breivik's Manifesto 2083: A European Declaration of Independence*, *Democracy and Security*, 9:3, 247-269.

Mattias Gardell (2014) *Crusader Dreams: Oslo 22/7, Islamophobia, and the Quest for a Monocultural Europe*, *Terrorism and Political Violence*, 26:1, 129-155.

Leader Maynard, Jonathan and Benesch, Susan (2016) "Dangerous Speech and Dangerous Ideology: An Integrated Model for Monitoring and Prevention," *Genocide Studies and Prevention: An International Journal*: Vol. 9: Iss. 3: 70-95.

<sup>13</sup> An academic analysis of verified hate incidents reported to the Islamophobia Register Australia has been ongoing since 2014, including the short term and long-term impacts on victims: Dr Derya Iner (ed), 'Islamophobia in Australia Report II 2017-2018' (Sydney: Charles Sturt University and ISRA, 2019).

withdrawal from public transport and facilities. Victims also choose to remove hijab and try to hide their Muslim identity.

12. It is essential for Australia's democracy, security and social cohesion, that there be civil recourse available to demarcate the line between religious slander and vilification of religious people.
13. Criminal laws alone are not fit for purpose in counteracting this significant public harm, as
  - a. They operate at the threshold for incitement to violence. Our research shows the majority of the vilification and disinformation endangering Muslims sits just beneath that threshold, whilst still inspiring people to commit and condone violence against Muslims, by viscerally contouring Muslims as an incompatible, subhuman, existential threat.
  - b. Even where there is strong evidence to support incitement to violence, it appears existing criminal laws in NSW (s93Z) are not being used.<sup>14</sup>
14. This vilification has spread widely across mainstream social media. While it is not possible to counteract every instance of vilification, it is still important to set a standard and curtail the 'environment of impunity'.
15. In light of this, AMAN recommends a provision that extends the existing provisions contained in s 20C of the *Anti-Discrimination Act 1977* (NSW) to religious vilification. AMAN suggests that the terms of such a provision may appear as follows.

***Religious vilification unlawful***

(1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the religion of the person or members of the group.

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<sup>14</sup> See examples of s93Z not being used and discussion here: Gail Mason and Julie Nathan (Co-convenors of the Australian Hate Crime Network, Presentation to the Legislative Assembly Legal and Social Issues Committee, Victoria, 24 June 2020, p 26.

In line with existing legislative provisions in NSW, this provision could exempt:

(2) Nothing in this section renders unlawful a person's conduct that was engaged in reasonably and in good faith—

(a) in the performance, exhibition or distribution of an artistic work; or

(b) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for any genuine academic, artistic, religious or scientific purpose; or

(c) in making or publishing a fair and accurate report of any event or matter of public interest.

(3) A person does not contravene sub-section (1) if the person establishes that the person engaged in the conduct in circumstances that may reasonably be taken to indicate that the parties to the conduct desire it to be heard or seen only by themselves.

(a) Subsection 3 does not apply in relation to conduct in any circumstances in which the parties to the conduct ought reasonably to expect that it may be heard or seen by someone else.

### **Dispelling the charge that this will 'recreate blasphemy laws'**

16. This protection will not recreate blasphemy laws as it is possible to differentiate between slander of a religion and vilification of a person based on their religious belief or activity. Even though Islam is routinely used as a proxy for Muslims in these extreme right mobilization frames, there is enough empirical evidence to identify those narratives that ostensibly aim to portray all Muslims as an existential threat. The judiciary is well placed to adjudicate.
17. Such protections will also promote greater freedom of expression, and civic participation for people of Islamic faith by counteracting the exclusionary qualities of hate speech. The legitimate freedom of expression of all parties needs to be considered.



## Areas of Caution in regard to the Bill

18. Being a Muslim brings with it a clear moral and social compass that is embedded in compassion for our brothers and sisters, but also for everyone around us. AMAN recognises that within the Muslim community, there are groups that suffer other forms of discrimination. AMAN also works from the Islamic ethos of preserving freedom of thought and expression, and avoiding as much as possible, harm to others. While there can be no denial about the reality that there are different groups within society that hold different values and worldviews, we can agree that managing that difference needs to be done in an orderly and safe manner. A humane dispute resolution system does not deprive the most vulnerable victims of the ability to resolve grievances with more powerful entities.
19. AMAN is not placed to do an exhaustive evaluation of this Bill, and foresees that elements of the Bill, beyond the 'core benefits' articulated earlier in this submission, may be contentious due to the interaction of human rights. In scrutinizing this Bill, it must be determined that each section deals with a substantiated problem; and then serves its purpose clearly and proportionally. Below are a few identified issues for the Committee's consideration:
  - a. Section 3 of the Bill outlines objectives for the entire NSW Anti-Discrimination Act. The existing Act has no objectives. This section reads more as 'Interpretation of the Act clause' rather than 'objectives' to the Act. The objectives to the *Victorian Religious and Racial Tolerance Act* provide an example of societal objectives that the Committee may wish to consider. Even as interpretative principles, we would query whether this section as drafted is necessary because it is implied in discrimination law that all human rights are considered and balanced against each other. It is also implied that the sources of those rights are found in international law. This section lists only some international instruments, whilst leaving others out. It may also be queried whether it is appropriate to legislate Siracusa Principles in subsection 3(2) this way, given their prominence in customary law, and applicability to all rights under the ICCPR.

- b. Subsection 22N (5) is comparable to the 'Israel Folau' clause in the Commonwealth Religious Discrimination Bill, however it doesn't have the same carve outs that the Commonwealth legislation has for vilification, serious intimidation or harassment. In s22N (9), the Bill excludes employees of 'religious ethos' organisations or organisations established to propagate religion, from enjoying this protected freedom of speech outside work, which understandably, may give rise to a perception of a double standard.
- c. AMAN also notes that existing NSW Antidiscrimination legislation includes carve outs to protect religious discussion and instruction<sup>15</sup>, as well a general exemption for religion-propagating institutions<sup>16</sup> and religious private schools<sup>17</sup> from discrimination law. This Bill takes it further by granting protection to a more broadly defined

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<sup>15</sup> 'A public act, done reasonably and in good faith for... religious discussion or instruction' is included as a defence to transgender vilification (s38S) and 'religious instruction' for homosexual vilification (s49ZT): *Antidiscrimination Act 1977* (NSW).

<sup>16</sup> **Section 56 Religious bodies**

Nothing in this Act affects—

- (a) the ordination or appointment of priests, ministers of religion or members of any religious order,
- (b) the training or education of persons seeking ordination or appointment as priests, ministers of religion or members of a religious order,
- (c) the appointment of any other person in any capacity by a body established to propagate religion, or
- (d) any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

<sup>17</sup> New South Wales's Anti-Discrimination Act 1977 contains the broadest scope for exemptions for private schools. Under this Act, 'private educational institutions' are exempt from the unlawful discrimination provisions concerning sex (including pregnancy), transgender grounds, marital status, disability, homosexuality and age. Respectively, ss.25(3) and 31A(3); ss.38C(3) and 38K(3); ss.40(3) and 46A(3); ss.49D(3) and 49L(3); ss.49ZH(3) and 49ZO(3); ss.49ZYL.

‘religious ethos’ organisations and making it unlawful for an employer to punish or sanction an employee for religious speech outside of work, even if it constitutes vilification. The proportionality and clarity of such extended protections could be further examined. The application of existing vilification provisions should be safeguarded.

- d. AMAN queries whether s 22N(6) regarding religious attire at work is necessary, given the scenarios it contends with are appropriately covered by s22L (direct or indirect discrimination) and the common law in relation to the reasonableness test. Additionally, the *Fair Work Act 2009* (Cth) covers adverse action taken against employees on religious grounds. Here the Bill introduces unnecessary complexity, stepping beyond the bounds of existing antidiscrimination legislation, to legislate qualifications to the reasonableness test. The EM points to an underlying concern that is about addressing anticipated issues at law without any substantiated evidence of legal uncertainty.
- e. Section 22Z, prohibits discrimination against another person on the ground of religious beliefs or activities, but not other groups, in the course of performing any function under a State law or for the purposes of a State program, or in the course of carrying out any other responsibility for the administration of a State law or the conduct of a State program. AMAN understands there may be legitimate concerns behind this section, for example preventing a religious ethos organization for contracting government funds where their charter expresses a view on marriage or gender, and such a view is not impacting on the quality of service they’re contracted to provide – however, this is not clearly conveyed in the drafting of this provision. The current drafting appears more as a general positive obligation equivalent to a Human Rights Act or Charter (for example, the QLD Human Rights Act). Unfortunately, it gives rise to a perception that it is elevating some human rights over others, rather than seeking to balance those rights.



## Scenario Analysis

20. The following scenario analysis is provided, inspired by real life examples reported to the Islamophobia Register and in the media.
21. Under this Bill, the victims in the following scenarios would finally have recourse:

Scenarios covered by Bill
A teaching student undertaking her practical placement at a school. Her supervising teacher tells her she would have more respect from students if she took off her hijab; is rude to her about her religion, and also obstructs her from praying during her break. She raises it within another school manager who refuses to take any action to support her.
A long-term employee hears that another senior colleague has made seriously vilifying remarks about him and his work based on him being Muslim, to other team members. HR delays in responding.
A parent of a student who is being bullied because she is Muslim seeks early intervention from the school, but they refuse to treat it as a prejudice-based form of bullying. It is not until that student is physically assaulted in a hate-based attack that the school agrees to address Islamophobia.
An employer refuses to occasionally shift an obligatory staff meeting from Friday afternoons so that an employee can attend obligatory Jumma prayers.

22. Under the Bill, Muslim people in the following scenarios will continue to have no avenue to have this conduct addressed.

Scenario not covered by Bill
A person establishes an online forum calling to 'rid Australia of these germs of humanity', referring to Muslims as 'parasites', 'subhumans', 'invaders' and 'serial rapists'. He urges others to let 'this filth' know they are 'not welcome here.' He amasses followers and routinely disseminates conspiracy theories about Islam and Muslims.
A journalist asks her team member, a cameraman, to take some footage inside a mosque, to which he refuses and makes a



vilifying remark. HR refuses to take action saying he hasn't broken any laws.
A colleague to the victim and their family harasses them at a public (outside work) event, calling her and her children 'f__king Muslims' and asking 'why can't you just dress normally?, we don't want you here,' in front of others. The police say there is nothing they can do.
A broadcaster defends a TV presenter's view that the size of Australia's Muslim community is a threat to Australia and immigration should be stopped due to the risk of terrorism.
A mother (in hijab) with her small son is waiting in doctor waiting room when a man sitting behind her starts muttering 'f__king Muslims'. He repeats profanities a number of times, sounding increasingly aggressive. When she turns to ask him if he is speaking to her, he says 'who are you for me to speak to? You are nothing.' Her son is terrified, and she says is increasingly afraid to go outside in her Islamic attire. She didn't want to escalate the matter in front of her son at the doctors, in case he became more aggressive. The mother says there is no point reporting to police. She could make report to the Antidiscrimination authority, but they don't cover Muslims in NSW for vilification so why would they want her report.
Online, a young woman in hijab comes across a photo of her that someone has taken while she is at work, with a demeaning caption, 'no wonder no-one wants to shop here'. The comment thread include a range of anti-Muslim insults and threats referring to her.

## Conclusion

23. The protection against discrimination on the basis of faith, which is offered by this Bill, is critically important to our community and social cohesion more generally.
24. However, there is no conscionable reason for denying or delaying the extension of vilification protection for people of faith.
25. This submission has outlined how harm arising from vilification is being accelerated by the current environment of legal impunity and uncertainty, with profound consequences for the New South Wales community.

## **Summary of Recommendations**

### **Recommendation One**

If there is considerable disagreement about elements of this Bill, it should be separated into two Bills, with the 'core benefits' of anti-discrimination (as described in this document) and vilification protection included in the Bill for immediate passage. The absence of basic discrimination protection for people based on their religious beliefs is a serious and harmful gap at law.

### **Recommendation Two**

The Bill should extend existing vilification provisions in the NSW Anti-Discrimination Act to people on the basis of their religious belief or activity.

### **Recommendation Three**

The Bill should clarify that existing vilification provisions in the NSW Anti-Discrimination Act continue to apply, and nothing in this new Bill excludes or limits their operation.