

**Submission
No 18**

INQUIRY INTO RACIAL VILIFICATION LAW IN NSW

Organisation: Chinese Community Council of Australia

Date received: 8/03/2013



CHINESE COMMUNITY COUNCIL OF AUSTRALIA INC.

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8 March 2013

The Director,
Standing Committee on Law and Justice
Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000.

Dear Sir/Mdm,

We wish to submit the following statements for consideration by the Standing Committee on Law and Justice in regard to the NSW Anti-Discrimination Act (1977) on Section 20D.

**Inquiry into racial vilification law in NSW
A submission from the Chinese Community Council of Australia Inc.,**

The existing criminal code is sufficient to prosecute those who engage in violent behaviour, regardless of whether the motivation was racially based or not. However the present legislation failed to prosecute those who incite people to racial violence through manipulation of their fears and prejudices.

It would appear that Section 20D of the Anti-Discrimination Act 1977 (NSW) has failed since none of the recommended prosecutions have commenced. The real purpose of prosecuting perpetrators of serious racial vilification or hatred offences is about targeting real criminals. This law is not about capping the freedom of speech in the media or preventing serious public debate about academic matters, but protecting ordinary citizens from violence and harassment.

There is a social need for prosecuting those who incite racial violence and hatred. The effect of "letting" the criminal go unpunished has consequences in the withdrawal of minority groups from the main community. This could also increase "racial taunting" in schools (2005 NSW Bureau of Crime Statistic report).

NSW should legislate similar law introduced by Western Australia in bringing perpetrators who incite racial violence and hatred, to justice.

Yours sincerely

Dr Anthony Pun, OAM

President