

**Submission  
No 4**

## **INQUIRY INTO RACIAL VILIFICATION LAW IN NSW**

**Organisation:** Kingsford Legal Centre

**Date received:** 12/02/2013

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12 February 2013

The Director  
Standing Committee on Law and Justice  
Parliament House  
Macquarie St  
Sydney NSW 2000  
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KINGSFORD  
LEGAL CENTRE

Dear Sir/Madam

**Submission to the Law and Justice Committee: Inquiry into  
Racial Vilification Laws in New South Wales 2013**

The Kingsford Legal Centre welcomes the opportunity to provide comment to the Law and Justice Committee's consultation regarding section 20D of the Anti-Discrimination Act 1977 (NSW).

Since 1981 the Kingsford Legal Centre (KLC) has provided legal advice and advocacy to people in need of legal assistance in the Randwick and Botany Local Government Areas. KLC provides specialist legal advice in areas such as discrimination (NSW wide), employment law and victims' compensation. KLC provides general advice on a wide range of legal issues and undertakes casework for many clients who, without our assistance, would be unable to afford a lawyer.<sup>1</sup> KLC undertakes law reform and policy work in areas where the operation and effectiveness of the law could be improved. KLC also monitors Australia's compliance with human rights mechanisms and works with other organisations to provide shadow reports to United Nations Committees on the attainment of human rights in Australia. We do this through identifying areas where our clients have experienced human rights breaches and monitoring the operation of laws and policies in Australia.

KLC has advised a number of clients on racial vilification. However we have not had much exposure to the offense listed under section 20D of the Anti-Discrimination Act 1977 (NSW).

KLC believes that racial vilification laws in NSW should be made easier to satisfy. The current tests set a very high bar for claimants and we are concerned about the effectiveness the law. In particular, the acts must incite either 'severe' or 'serious' hatred, contempt or ridicule for a case to be successful. We note this high standard is not required by similar provisions in New Zealand legislation. This places an excessive burden upon the claimant to present evidence which will prove racial vilification.

KLC therefore believe the current test for racial vilification should be made easier to satisfy in order to be in line with community expectations and to influence individual actions.

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<sup>1</sup> In 2012 KLC provided 1,791 legal advices and opened 287 new cases.

We cannot comment specifically on the criminal provisions of section 20D.

Yours faithfully  
KINGSFORD LEGAL CENTRE

Anna Cody  
Solicitor

Arthur Kam  
Student Clerk