



Mark Speakman
Attorney General

Mr David Blunt
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NSW Legislative Council
Parliament House
Macquarie Street
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Dear Mr Blunt

Government Response to the Legislative Council Standing Committee on Law and Justice's inquiry into *Racial Vilification law in NSW*

The Government has carefully considered the recommendations made by the Legislative Council Standing Committee on Law and Justice (Committee) on its inquiry into *Racial Vilification law in NSW* (the Report), and has undertaken extensive community consultation to inform its proposed reforms to the criminal offence of serious vilification in the *Anti-Discrimination Act 1977* (the ADA).

Due to the lapse of time since consultations were undertaken by the Committee, it was essential that the Government undertake further targeted consultation in order to achieve broad community consensus before progressing any reform. It has taken some time for this to conclude given the change in Government during the period and competing priorities.

Issues raised by stakeholders since the release of the Report in December 2013 and during consultations went beyond the Committee recommendations. Therefore, at this time it is not considered necessary to address each recommendation of the Committee.

The proposed reforms will repeal the criminal offence provisions in the ADA of serious vilification and insert a new offence in the *Crimes Act 1900* (the Crimes Act) including:

- broadening grounds to include 'religious belief or affiliation, or absence thereof';
- dealing with 'threatening violence' in addition to 'inciting violence';
- moving all serious vilification offences from the ADA into the Crimes Act;
- increasing the penalty from a maximum term of 6 months imprisonment to a maximum term of 3 years imprisonment; and increasing financial penalties for an individual from 50 penalty units to 100 penalty units and for a corporation from 100 penalty units to 500 penalty units.

The proposed reforms address some of the recommendations of the Report, especially clarifying the process of investigating complaints by giving the NSW Police Force the lead role in investigating potential criminal matters. Increasing the penalty for the offence to a maximum term of three years would also remove the procedural requirement that prosecutions for summary offences must be commenced within six months of the date the offence took place.

The proposed reforms have been carefully considered so as not to restrict freedom of speech but to provide for a mechanism by which public acts which threaten violence or incite violence can be successfully prosecuted.

The Government intends to introduce a Bill to Parliament shortly to implement the proposed reforms.

Yours sincerely



Mark Speakman

Received at 1:40pm
Tuesday 5 June 2018
