



Uniting Church in Australia  
SYNOD OF VICTORIA AND TASMANIA

Centre for Theology and Ministry  
29 College Crescent  
Parkville Victoria 3052

## **Submission from the Synod of Victoria and Tasmania, Uniting Church in Australia to inquiry into the *Criminal Code Amendment (Hate Crimes) Bill 2024***

**7 November 2024**

The Synod of Victoria and Tasmania, Uniting Church in Australia welcomes the opportunity to provide a submission in response to the inquiry into the *Criminal Code Amendment (Hate Crimes) Bill 2024*. The Synod has been a strongly opposed many forms of incitement to hatred and harmful discrimination. We see the Bill as a small but positive contribution to curb the expression of harmful hatred against people based on certain characteristics.

From its foundation in 1977, the Uniting Church proclaimed its commitment to a balance between freedom of speech and other fundamental human rights. These rights included not to be discriminated against in a harmful manner, stating in its 'Statement to the Nation' at the inaugural National Assembly:

*We pledge ourselves to seek the correction of injustices wherever they occur. We will work for the eradication of poverty and racism within our society and beyond. We affirm the rights of all people to equal educational opportunities, adequate health care, freedom of speech, employment or dignity in unemployment if work is not available. We will oppose all forms of discrimination which infringe basic rights and freedoms.*

In the Uniting Church's view, Christian thought sees freedom of speech is part of a broader understanding of human well-being. It is not to be a tool to inflict harm, but preferably one that should be used in the service of God and the greater good of our neighbours.

The Uniting Church seeks to bring God's vision of a reconciled and renewed world into the present, to reflect God's love for everyone, work for justice and peace and follow the example and teachings of Jesus Christ. Jesus taught what it means to love one's neighbour and one's enemy and who himself challenged the systems and structures of oppression in his society. We are called to act with integrity, ensuring that our words and our deeds are aligned.

The Uniting Church affirmed its commitment to cultural diversity in the statement adopted by the Fourth Assembly in 1985, *The Uniting Church is a Multicultural Church*. This statement remembers that Jesus Christ "made peace between people of every race, culture and class". It states that such unity is "a goal to be achieved as we commit ourselves to one fellowship to achieve justice, affirm one another's cultures, and care for any who are the victims of racial discrimination, fear and economic exploitation".

In 1988 the annual Synod meeting of hundreds of representatives from congregations across Victoria resolved (Resolution 88.5.3.2) to request that Uniting Church members dissociate themselves from

the League of Rights because of that organisation's policies "which promote white supremacy and anti-Semitism."

In 1996 the Synod of Victoria Standing Committee resolved (Resolution 96/26.1) that "the Uniting Church, Synod of Victoria calls upon Christians and all Australian citizens to speak boldly against racism in any form."

In 1998, the annual Synod meeting of delegates resolved that the Synod acknowledged the value of a multicultural society and reaffirmed the Synod to be a multicultural Synod. Members were encouraged to "take every opportunity, both publicly and privately, to demonstrate and actively promote friendliness and neighbourliness of people of races, cultures, religions and languages other than our own."

The 2005 meeting of nearly 400 representatives of the Uniting Church across Victoria and Tasmania resolved:

05.4.3.3 The Synod resolved:

- (a) That it is opposed to the incitement of hatred against people on any basis, including that of religion;
- (b) To acknowledge and welcome open dialogue between faiths, including critique and criticism, provided that such dialogue seeks to be respectful, accurate and objective, is open to gaining new understandings, and is willing to admit errors;
- (c) To support the *Racial and Religious Tolerance Act 2001* as achieving a balance between being a 'safety net' for preventing incitement to hatred of people based on their race or religion, while allowing for legitimate freedom of speech;
- (d) To advise the Premier and Leader of the Opposition and all Members of Parliament in Victoria of this resolution.

People should be able to take part in public life without having to suffer hate-based threats of harm. The harms as a result of expressions of hatred based on a person's characteristics are very real. For example, the Australian Psychological Society states:<sup>1</sup>

*Racism is associated with poor mental health and wellbeing. Evidence shows that racism not only has detrimental impacts on those discriminated against, their friends and family, and the perpetrators and society at large.*

The Australian Human Rights Commission reported that a study of over 800 Australian secondary school students found that racism had huge mental health impacts on young people who experience it, including:<sup>2</sup>

- ongoing feelings of sadness, anger, depression and being left out;
- headaches, increased heart rate, sweating, trembling and muscle tension;
- a constant fear of being verbally or physically attacked;
- not wanting to go to school; and

---

<sup>1</sup> <https://psychology.org.au/for-the-public/psychology-topics/racism>

<sup>2</sup> Foundation for Young Australians, "The Impact of Racism Upon the Health and Wellbeing of Young Australians: At a Glance", (2009).

- having little or no trust in anybody apart from family.

These impacts can reduce people's ability to work or study, and to achieve their future goals.<sup>3</sup>

A 2021 literature review considered the impacts of racism on the mental and physical health of Australian First Nations people. The studies examined reported the most common health outcomes associated with racism were general poor mental health and poor general health perception. More specific health outcomes such as anxiety, depression, asthma, increased body weight and smoking were also associated with racism but were analysed by a limited number of studies.<sup>4</sup> The reviewers concluded racism is associated with negative overall mental and negative general health outcomes among First Nations people. Strategies to prevent all forms and sources of racism are necessary to move forward to bridging the health gap between First Nations peoples and non-Indigenous Australians.<sup>5</sup>

The mental and physical harms from the expression of hatred against people because of certain characteristics they possess applies to characteristics beyond those outlined concerning racism above.

### Comments on the *Criminal Code Amendment (Hate Crimes) Bill 2024*

We note the Bill only covers criminalising hatred expressed in the form of threats of force or violence. Such cases are fortunately likely to be rare and thus the reforms are not likely to see much use, although it is often difficult to assess the deterrent image of such reforms in terms of the number of instances where people refrained from expressing hatred. Thus, we believe the Bill is a small but important reform in addressing the worst end of expression of harmful hatred.

We support the amendments to the offences in sections 80.2A and 80.2B to reduce the fault element to recklessness.

Consistent with the Synod meeting resolution from 2005, the Synod supports expanding the protected attributes in sections 80.2A and 80.2B and of the public display of prohibited hate symbols offences in sections 80.2H, 80.2HA and 80.2K. We agree the expansion should include groups or members of a group distinguished by disability, sex, gender identity, sexual orientation, and intersex status. We urge that the protections extend to people with a personal association with a person having any of the protected attributes. We would further urge that protected attributes include a persons' body shape. For example, people who overweight or suffering from obesity can be targeted for expressions of hatred.

We agree that there are no circumstances in which urging force or violence can truly be done "in good faith".

Dr Mark Zirnsak  
Senior Social Justice Advocate

Phone:

E-mail:

---

<sup>3</sup> Australian Human Rights Commission, "Why racism is a problem?", <https://humanrights.gov.au/our-work/education/why-racism-problem>

<sup>4</sup> Camila A. Kairuz, Lisa M. Casanelia, Keziah Bennett-Brook, Julieann Coombes and Uday Narayan Yadav, "Impact of racism and discrimination on physical and mental health among Aboriginal and Torres Strait Islander peoples living in Australia: a systematic scoping review", *BMC Public Health* (2021), 1.

<sup>5</sup> *Ibid.*, 2.