



**HARMONY ALLIANCE**  
MIGRANT & REFUGEE WOMEN FOR CHANGE

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**Submission to the Senate Legal and Constitutional Affairs Committee's inquiry into  
the Criminal Code Amendment (Hate Crimes) Bill 2024**

The Social Policy Group, auspicing Harmony Alliance, welcomes the opportunity to submit a response to the Senate Legal and Constitutional Affairs Committee's inquiry into the Criminal Code Amendment (Hate Crimes) Bill 2024. In this submission, we call out what are good inclusions in the Criminal Code Amendment (Hate Crimes) Bill 2024, but also share considerations for inclusion to strengthen existing offences for urging force or violence and create new offences for threatening force or violence against targeted groups or members of groups.

## **Introduction**

Harmony Alliance: Migrant and Refugee Women for Change is one of the six National Women's Alliances funded by the Australian Government to promote the views of all Australian women and ensure their voices are heard in decision-making processes.

Harmony Alliance's purpose is to provide a national, inclusive, and informed voice on the multiplicity of issues impacting the experiences and outcomes of migrant and refugee women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change.

The Harmony Alliance membership comprises over 180 organisations<sup>1</sup> and individuals representing and/or working for the advancement and inclusion of migrant and refugee women. We acknowledge the diversity of experiences of women from migrant and refugee backgrounds and recognise the inherent value of each person, of all backgrounds, genders, ages, abilities, social standings, sexual orientations, or religions. We promote the principles of dignity, equality, autonomy, non-discrimination, and mutual respect.

This submission draws on the online consultation held with Harmony Alliance Council members in mid-October 2024 supplemented by an offline consultation.

Prior to the online consultation, Harmony Alliance shared:

- Criminal Code Amendment (Hate Crimes) Bill 2024
- Criminal Code Act 1995 No. 12, 1995 Compilation No. 161 with Council members.

During the online consultation, an overview of the legislative amendment process was provided to explain the steps involved from the Bill's introduction to the Senate's inquiry and the submission process.



A slide deck was presented to show identify the proposed amendments in Schedule 1, which were identified to impact on migrant and refugee women, and thus were deemed relevant to review during the consultation, namely:

- 4 Paragraph 80.2A(1)(c)
- 7 Paragraph 80.2A(2)(c)
- 12 Paragraph 80.2B(1)(d)
- 15 Paragraph 80.2B(2)(d)
- 19 After section 80.2B(1) i.e. Insert new section 80.2BA
- 19 After section 80.2B(2) i.e. Insert new section 80.2BB
- 20 Paragraphs 80.2H(7)(b), 80.2HA(7)(b) and 80.2K(6)(b)

A key theme that emerged from the online consultation was that it was important to outline different characteristics to prevent discrimination recognising that people from different ethnicities or different religions are the ones that suffer the most: a big portion represented by migrant and refugee women.

*“a lot of our people (migrant and refugee women) have been victims and unfortunately the perpetrators have walked away because the law is very black and white.”*

### **Recommendations from Harmony Alliance**

While Harmony Alliance welcomes the proposed amendments to the Criminal Code Amendment (Hate Crimes) Bill 2024, we ask you to consider:

- **Consistency in Amendments:** Add ‘age,’ ‘language’ and ‘colour’ to:



- 4 Paragraph 80.2A(1)(c) – the targeted group is distinguished by race, religion, **sex, sexual orientation, gender identity, intersex status, disability**, *age, language, colour*, nationality, national or ethnic origin or political opinion; and
- 7 Paragraph 80.2A(2)(c) - the targeted group is distinguished by race, religion, **sex, sexual orientation, gender identity, intersex status, disability**, *age, language, colour*, nationality, national or ethnic origin or political opinion; and
- 12 Paragraph 80.2B(1)(d) - the targeted group is distinguished by race, religion, **sex, sexual orientation, gender identity, intersex status, disability**, *age, language, colour*, nationality, national or ethnic origin or political opinion; and
- 15 Paragraph 80.2B(2)(d) - the targeted group is distinguished by race, religion, **sex, sexual orientation, gender identity, intersex status, disability**, *age, language, colour*, nationality, national or ethnic origin or political opinion; and
- 19 After section 80.2B(1) i.e. Insert new section 80.2BA – **(1)(b) the targeted group is distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability**, *age, language, colour*, **nationality, national or ethnic origin or political opinion; and**
- 19 After section 80.2B(2) i.e. Insert new section 80.2BA - **(2)(b) the targeted group is distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability**, *age, language, colour*, **nationality, national or ethnic origin or political opinion; and**
- 19 After section 80.2B(2) i.e. Insert new section 80.2BB - **(1)(c) the targeted group is distinguished by race, religion, sex, sexual orientation, gender**



**identity, intersex status, disability, age, language, colour, nationality, national or ethnic origin or political opinion; and**

- 19 After section 80.2B(2) i.e. Insert new section 80.2BB - **(2)(c) the targeted group is distinguished by race, religion, sex, sexual orientation, gender identity, intersex status, disability, age, language, colour, nationality, national or ethnic origin or political opinion; and**
  
- **Consistency in Amendments:** Add ‘age’ and ‘disability’ to:
  - 20 Paragraph 80.2H(7)(b) - a member of a group of persons distinguished by race, colour, sex, **sexual orientation, gender identity, intersex status, disability, age,** language, religion, political or other opinion or national or social origin;
  
  - 20 Paragraph 80.2HA(7)(b) - a member of a group of persons distinguished by race, colour, sex, **sexual orientation, gender identity, intersex status, disability, age,** language, religion, political or other opinion or national or social origin;
  
  - 20 Paragraph 80.2K(6)(b) - a member of a group of persons distinguished by race, colour, sex, **sexual orientation, gender identity, intersex status, disability, age,** language, religion, political or other opinion or national or social origin;



- **Consistency in Amendments:** Replace ‘political or other opinion or national or social origin’ with ‘nationality, national or ethnic origin or political opinion’ (as per existing clauses within Criminal Code Act 1995) and add ‘age’ and ‘disability’:
  - 20 Paragraph 80.2H(7)(b) - a member of a group of persons distinguished by race, colour, sex, **sexual orientation, gender identity, intersex status, disability, age**, language, religion, *nationality, national or ethnic origin or political opinion*;
  - 20 Paragraph 80.2HA(7)(b) - a member of a group of persons distinguished by race, colour, sex, **sexual orientation, gender identity, intersex status, disability, age**, language, religion, *nationality, national or ethnic origin or political opinion*;
  - 20 Paragraph 80.2K(6)(b) - a member of a group of persons distinguished by race, colour, sex, **sexual orientation, gender identity, intersex status, disability, age**, language, religion, *nationality, national or ethnic origin or political opinion*;

**Key:**

**Proposed amendments**

*Proposed addition*