

Review of criminal law protections against the incitement of hatred (July 2025)

Introduction

Rainbow Families welcomes the opportunity to contribute to this review of criminal law protections against hate speech for vulnerable communities. Rainbow Families has been advocating, and will continue to advocate for, strong protections from hate speech and conduct for LGBTQ+ parents and their children.

About Rainbow Families

Rainbow Families was formed in New South Wales in 2015 as the peak body for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) families. The mission of Rainbow Families is to build a community that fosters resiliency by connecting, supporting and empowering LGBTQ+ families. Rainbow Families has a growing community and includes people from across Australia.

What is a Rainbow Family?

A rainbow family is an LGBTQ+ parented family. At Rainbow Families, we define a rainbow family as: any lesbian, gay, bisexual, transgender, or queer person who has a child or children; or is planning on having a child or children by way of donor insemination (known or open-ID), surrogacy (altruistic or commercial), foster care, foster to adoption, adoption (domestic or international), previous heterosexual relationships, or co-parenting.

Rainbow families, like many modern families, come in all shapes and sizes and are formed in many ways. What we all have in common is that our families are created through love. Over thirty years of peer reviewed research into same-sex parented families shows that children from these families do as well, if not better, than their peers from cisgender heterosexual-parented families.¹ However, stigma and discrimination from the broader society remain key challenges that can negatively impact children's wellbeing.²

¹ Golombok S, The psychological wellbeing of ART children: what have we learned from 40 years of research?, Reproductive BioMedicine Online, Volume 41, Issue 4, 2020, Pages 743-746, Dempsey C. (2013). Same-sex parented families in Australia (CFCA Paper No. 13). Melbourne: Australian Institute of Family Studies.

² Crouch, S.R., Waters, E., McNair, R., Power, J., & Davis, E. (2014). Parent-reported measures of child health and wellbeing in same-sex parent families: A cross-sectional survey. BMC Public Health, 14,635.

Background

In this submission we won't address all questions raised in the Issues Paper, and we endorse the submission of Equality Australia, including in relation to the technical aspects of how 93ZAA could be expanded and improved.

Earlier this year we wrote to the Premier to express our extreme disappointment that LGBTIQ+ people would not be covered by new stronger approaches to hate speech in the law in the package of reforms that went through parliament in early 2025.

As discussed in the next section, know that there is a significant overlap between racist extremists and anti-LGBTIQ+ extremists – we cannot comprehend how it makes sense to prohibit some but not all of their conduct, and are very concerned that it sends a message to those actors that their continued harassment and abuse against our communities is acceptable.

Q1: What is the extent and impact of hatred towards vulnerable groups in the NSW community?

Hatred expressed against trans parents

Community views about same-sex couples have greatly evolved,³ but there is intense stigma still against trans and gender diverse members of our community, and trans people having or raising children is a particular focus of anti-trans individuals or groups.

We are aware of examples of severe backlash against trans parents through violent and hateful language, online trolling, misgendering, deadnaming and doxxing. One specific flashpoint is the use of gender-affirming language (like chestfeeding for trans men) or the visibility of trans women or non-binary people feeding their babies, which becomes a lightning rod for disinformation and online abuse. Transphobic actors may refer to tropes like that trans people are inherently unsafe to be around children (e.g. confusing, grooming kids), that their bodies are somehow unnatural or harmful to children (e.g. references to mutilation), that trans parents aren't real parents (e.g. men pretending to breastfeed, using lactation aids is not 'real feeding').

For example, in 2022 - 2023 many right-wing US and Australian commentators picked up on a 2018 case of trans women breastfeeding her child with support from a medical team through induced lactation. Australian social media pages mirrored this discourse, linking it to broader conspiracy theories about child abuse, medical malpractice, and social collapse, often folded into anti-trans, anti-drag, and anti-vaccine narratives. These posts often go viral within extremist

³ Australian Institute of Families Studies, Same-sex couple families in Australia, September 2016 <<https://aifs.gov.au/research/research-snapshots/same-sex-couple-families-australia>>.

communities. Once a group of people latch on to a particular victim, the online trolling can be relentless and often escalates over time.

These narratives about trans parents are not only false, but profoundly damaging. They undermine the safety and legitimacy of trans parents and their children, who may already face elevated levels of social exclusion. Trans parents feel forced into invisibility, worried that any public expression of their parenthood will invite backlash or abuse. Health professionals or government agencies may also hesitate to support or document trans-inclusive parenting practices for fear of being targeted themselves, and so overall this conduct has a harmful chilling effect.

Drag Storytime events

Another recurring target is events like Drag Storytime, which aim to celebrate diversity and inclusion for children and families. These events are frequently mischaracterised by opponents and 'sexualised', using slurs such as 'groomer' or 'paedophile', echoing historic homophobic tropes. Such rhetoric spreads rapidly online and has led to coordinated harassment, protests, and threats directed at families, performers, and organisers.

A report by ISD⁴ examining the period from late 2022 through early 2024, identified a transnational network of actors - including COVID-era conspiracy theorists, far-right groups, fringe politicians, Christian nationalist influencers, and neo-Nazi collectives - began deliberately targeting Drag Queen Story Hours and all-ages drag events across Australia, often importing narratives developed in the US and UK. This mobilisation included at least a dozen events subjected to online harassment, doxxing, and offline protest. Notably, public venues and councils received coordinated intimidation campaigns: call-outs, hate posts, and attempts to enter libraries where these events were being held.

Unfortunately, people drawn into this false narrative believe they are 'saving' our children and will go to great lengths to disrupt or deter events. For instance, an event at Manly Library in 2023 was subject to a bomb threat, and protesters attended the event (alongside larger counter protests).⁵ In Marrickville in 2024, police were called after protesters attempted to enter the Marrickville Library during an event. Even after they were turned away, they continued to bang on the windows.⁶

⁴ Elise Thomas, ISD Global, *A year of hate: Anti-drag mobilisation efforts targeting LGBTQ+ people in Australia*, available at <https://www.isdglobal.org/wp-content/uploads/2024/04/A-Year-of-Hate_Anti-Drag-Mobilisation-Australia.pdf>.

⁵ Ibid, 5.

⁶ Ibid, 6.

Aside from the obvious safety concerns for Rainbow Families Australia (including volunteers, staff and our kids), these incidents create a climate of fear and hesitation, restricting opportunities for our families to gather and celebrate our lives in community. As some of these protestors are observed by our children, this is highly damaging to their sense of safety, wellbeing and pride in their unique families.

Anti-surrogacy sentiment

Anti-surrogacy sentiment is also increasingly being used as a vehicle for hate speech against LGBTQ+ people, especially gay men who become parents through surrogacy. Opponents often frame surrogacy as exploitative, unnatural, or morally corrupt; language that quickly escalates into vilification when directed at queer families. Gay fathers are frequently targeted online with accusations that they have “bought” or “stolen” children, or have “exploited” their surrogate. This rhetoric circulates on social media platforms, and in comment sections, contributing to a hostile environment in which queer parents and their children feel unsafe, overly scrutinised, or shamed simply for existing.

Q2: Does the criminal law adequately protect against the incitement of hatred towards all vulnerable groups in NSW?

The obvious omission is the inclusion of LGBTIQ+ groups in the scope of new section 93ZAA, which in our view is the highest priority to rectify before the law commences.

Rainbow Families Australia also strongly supports Equality Australia's recommendation that NSW's hate speech laws be updated to protect people who are targeted *because of their association* with LGBTQ+ people. We support changes to the law that would clearly cover hate speech based on all kinds of association, including through a person's job or public support — not just close relationships.

This gap puts people in our communities and their supporters at real risk, including:

- Children with same-sex parents or trans parents being targeted because of who their parents are
- Librarians, teachers, or council staff supporting Drag Storytime or Pride events
- Business owners or staff at inclusive venues, book stores or cafes
- Health professionals or staff at government agencies who take steps to affirm, include and support our families
- Politicians who support our families and push for law reform for the benefit of rainbow families.

We've seen first-hand how people are harassed, doxxed, or threatened simply for creating welcoming spaces for our families, and they deserve protection too.

Q6: Are there other measures related to criminal law reform that may promote social cohesion?

Rainbow Families Australia recommends reforms to ensure that people targeted by hate can report safely and meaningfully without re-traumatisation, and without needing to navigate hostile or unprepared systems alone. Right now, families in our community tell us they feel unsafe or unsupported when trying to report hate, especially to police. Reporting should not feel like shouting into the void.

Not everyone feels safe walking into a local station, especially in small towns. Reporting should be coordinated through a centralised and dedicated unit, and it should be one that can receive complaints directly, engage proactively with victims, and reduce the burden on individuals to seek justice on their own. This kind of unit should have the skills, resources and mandate to track hate, connect with affected communities, and push for prosecution when appropriate.

Police are not a source of trust for many members of our community. Community engagement about how the law protects people and supports social cohesion must be led by LGBTIQ+ community-controlled organisations, not just police liaison officers. These organisations can build trust, provide culturally safe support, and link people to legal and non-legal advocacy. Support shouldn't stop at referral. LGBTIQ+ families need non-legal advocates, peer support, and community lawyers and social workers who work together.

Thank you for considering our submission.

Yours faithfully,



Ashley Scott
Executive Officer
Rainbow Families