



Ecological Sustainability - Social Justice - Peace and Non-violence - Grassroots Democracy

AMENDMENTS TO THE *RACIAL DISCRIMINATION ACT 1975*

SUBMISSION BY SENATORS PENNY WRIGHT AND RICHARD DI NATALE

We condemn the Attorney-General's proposal to repeal section 18C of the *Racial Discrimination Act 1975 (Cth)* (RDA), in conjunction with sections 18B, 18D and 18E.

The proposed new section is inadequate.

The RDA, in its current form, is an important piece of legislation which offers protections for people living in Australia from racially-motivated hate speech.

Despite multiculturalism being one of Australia's greatest assets, it is a fact that racial slurs and daily discrimination are still a reality for too many people in our society.

The effect of racism on people's ability to contribute to their community is significant, and amounts to a cumulative harm against us all.

Importantly, section 18C does not create any offences, but merely offers a pathway for conciliation and, where this fails, certain relief by the Federal Court where a breach has occurred.

This section was introduced nearly twenty years ago, in response to a growing body of recommendations, including the Royal Commission into Aboriginal Deaths in Custody in 1988.

We commend ethnic communities around Australia who have been vocal about the need for ongoing protections against racial hate speech.

We must listen to the voices and experiences of those who are affected by this legislation if we are to be serious about protecting their rights.

The Australian Greens are committed to ensuring freedom of expression is upheld as a fundamental human right.

However, we will also stand strong against weakening protections for vulnerable people, which would then diminish their freedom and capacity to participate fully in Australian society.

These two values are not fundamentally incompatible but can be balanced, as has been seen through the operation of the current legislation since its introduction.

The proposed amendments substantially narrow the kind of conduct covered, while maintaining the same pathways for redress.

Further, the breadth of the exemption in subsection (4) of the draft Bill would make the proposed new section almost useless.

The proposed legislation is not a genuine attempt to refine or improve the RDA.

It is nothing more than a watering-down of legislation which has been operating as intended since 1995.

Only genuinely racist behaviour is caught by s 18C in its current form, and only those wishing to engage in such behaviour will benefit from the change.

We urge the Attorney-General to listen to the overwhelming majority of Australians and abandon his proposed changes to the Racial Discrimination Act.

We fully consent for this submission to be made public.

Indeed, we urge the Attorney-General's Department to make public all submissions received, where the author has not withheld consent for this to occur.

Senator Penny Wright

Australian Greens spokesperson for Legal Affairs

Senator Richard di Natale

Australian Greens spokesperson for Multiculturalism

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