



QUAKER PEACE AND LEGISLATION COMMITTEE

ACTION ALERT: RACIAL DISCRIMINATION ACT

There is an opportunity for Friends to make their views known on the proposed changes to the Racial Discrimination Act. The website www.attorneygeneral.gov.au gives details.

In December 2013 QPLC circulated a Watching Brief on this matter, explaining plans of the Government to amend Section 18C of the Racial Discrimination Act 1975 to change the wording and meaning of that Section in order to give greater priority to freedom of speech. The Watching Brief included statements by a number of groups and individuals expressing concern that Section 18C offers protection to the most vulnerable and marginalised members of our community. It is notable that the concern came from diverse quarters including ethnic groups, the president of the Human Rights Commission, and Aboriginal representatives.

Quakers, through the Presiding Clerk, supported a statement by the Human Rights Law Centre in Melbourne that Section 18C should not be repealed.

On 25 March 2014 the Attorney –General, Senator George Brandis, announced that the Government would proceed with legislation to implement this change and consequent changes to 18B, 18D and 18E. In his statement he said “A new section will be inserted into the Act which will preserve the existing protection against intimidation and create a new protection from racial vilification. This will be the first time that racial vilification is proscribed in Commonwealth legislation sending a clear message that it is unacceptable in the Australian community”. He continued that “laws which are designed to prohibit racial vilification should not be used as a vehicle to attack legitimate freedoms of speech”.

The Government Party Room has supported the proposed changes, although some individual MPs and Senators on the Coalition side have expressed their doubts. Ken Wyatt MP (first Aboriginal representative in the House) said he was prepared to cross the floor and vote against this change, and it seems that the effect of this was to get the Bill re-drafted and put out for public comment. The ALP and the Greens oppose the changes (ABC News, 26 March) and feel that the changes will “give the green light to bigotry”. Warren Mundine, head of the Prime Minister’s Indigenous Advisory Council, said (ABC AM program 26 March) expressed doubt about the effectiveness of the changes in altering the kinds of abuse he and others suffer.

**Quaker Peace &
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The proposed changes are as follows:

Freedom of speech (Repeal of S. 18C) Bill 2014



The *Racial Discrimination Act* 1975 is amended as follows:

1. Section 18C is repealed.
2. Sections 18B, 18D and 18E are also repealed.
3. The following section is inserted:
 1. “ It is unlawful for a person to do an act, otherwise than in private, if:
 - a. the act is reasonably likely:
 - i. to vilify another person or a group of persons; or
 - ii. to intimidate another person or a group of persons,
 - and
 - b. the act is done because of the race, colour or national or ethnic origin of that person or that group of persons.
2. For the purposes of this section:
 - a. vilify means to incite hatred against a person or a group of persons;
 - b. intimidate means to cause fear of physical harm:
 1. to a person; or
 2. to the property of a person; or
 3. to the members of a group of persons.
3. Whether an act is reasonably likely to have the effect specified in sub-section (1)(a) is to be determined by the standards of an ordinary reasonable member of the Australian community, not by the standards of any particular group within the Australian community.
4. This section does not apply to words, sounds, images or writing spoken, broadcast, published or otherwise communicated in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter.”

The Attorney-General has said he is open to views on the proposed changes, and has invited public comment to be sent to s18consultation@ag.gov.au before 30 April. Friends may wish to take up this opportunity, and/or to communicate their views to their members of Federal Parliament. QPLC will consider making a submission.

Canberra

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