



Australian Hellenic Council NSW Inc.

A coordinating body for the Australian Hellenic community

MEDIA RELEASE

THE RISE OF THE BIGOTS AND THE REPEAL OF SECTIONS 18C AND 18D OF THE *RACIAL DISCRIMINATION ACT*

The Australian Hellenic Council (NSW) is gravely concerned at the Abbott Government's proposed watering down of the racial vilification provisions of the *Racial Discrimination Act*.

The Attorney General George Brandis, who freely admits that an adverse court finding against the well-known conservative commentator Andrew Bolt is the catalyst for the change in the law, has issued an exposure draft of the proposed new law and is now inviting public comment.

At the same time, Senator Brandis has defended the change to the law in the name of freedom of speech and has gone as far as claiming that Australians are entitled to be bigots if they want to.

Under the current law, it is an offence to offend, insult, humiliate or intimidate someone in public on the grounds of race or ethnicity. However, the courts have taken the view that it is limited to serious vilification and not mere hurt feelings.

The Government's exposure draft, with the derisory title "Freedom of Speech (Repeal of s.18) Bill", makes it unlawful for a person to do an act, otherwise than in private, if the act is reasonably likely to vilify or intimidate another person or a group of persons and the act is done because of the race, colour or national or ethnic origin of that person or that group of persons. However, "vilify" is narrowly defined to mean the incitement of hatred whilst "intimidate" is defined to mean causing fear of physical harm. According to Senator Brandis, the government took into account the racial vilification legislation of various States. Curiously, those state laws invariably proscribe conduct which not only incites racial hatred but also constitutes serious contempt for, or severe ridicule of, a person or group of persons on the ground of their race.

So it is not enough that you can be insulted or humiliated or denigrated on the grounds of your race, but severe ridicule or serious contempt also seemingly fall within the newly-defined right to offend.

Of more concern is the apparent 'get out clause' in sub-section 4 of the proposed bill which provides that the entire section will not apply to "...words, sounds, images written, spoken, broadcast or otherwise communicated in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter". This exemption is so wide and broad that it will give the green light to holocaust deniers, racists, bigots and other 'commentators' to engage in serious racial vilification of people simply because of the colour of their skin or their race. Senator Brandis seeks to justify this as a "robust exchange" in the marketplace of ideas. That view is seriously naive and philosophically flawed and it is hard to envisage any racially-vilifying conduct that will be caught by this legislation.

The acting co-ordinator of the Australian Hellenic Council (NSW), Mr George Vellis, believes that the exposure draft is disappointing and belies the government's claims of extensive consultation with the various ethnic communities.

"I have attended two lengthy meetings with the Attorney General in recent months with representatives from other ethnic communities and we all agree that no proper case for change in the law has been made. Racial bigotry is

simply wrong and harmful to both the people it targets and to the cohesiveness of society as a whole. Racial hate speech assaults the victim's dignity, self-esteem and integrity simply because of that person's very existence. The proposed law will herald the rise of bigotry and the trivialisation of racial vilification", according to Mr Vellis.

And whilst the court decision involving Andrew Bolt is criticised by the Attorney General and others, it is important to recall Justice Bromberg's prophetic words in that case:

"At the heart of any attempt to secure freedom from racial prejudice and intolerance is the protection of equality and the inherent dignity of all human beings. These are the values that infuse international human rights ... (for) the mischief of racial discrimination is ... any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or other field of public life".

The Australian Hellenic Council (NSW) will continue to argue against racial hate speech and intends to make a detailed submission to the Government on the exposure draft.