



## **SENATOR THE HON GEORGE BRANDIS QC**

**ATTORNEY-GENERAL  
MINISTER FOR THE ARTS**

### **MEDIA RELEASE**

#### **RACIAL DISCRIMINATION ACT**

The Government Party Room this morning approved reforms to the *Racial Discrimination Act 1975* (the Act), which will strengthen the Act's protections against racism, while at the same time removing provisions which unreasonably limit freedom of speech.

The legislation will repeal section 18C of the Act, as well as sections 18B, 18D, and 18E.

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.

I have always said that freedom of speech and the need to protect people from racial vilification are not inconsistent objectives. Laws which are designed to prohibit racial vilification should not be used as a vehicle to attack legitimate freedoms of speech.

This is an important reform and a key part of the Government's freedom agenda. It sends a strong message about the kind of society that we want to live in where freedom of speech is able to flourish and racial vilification and intimidation are not tolerated.

The draft amendments are released for community consultation. The Government is interested in hearing from all stakeholders on the proposed reforms. Submissions can be made until 30 April 2014 at [s18cconsultation@ag.gov.au](mailto:s18cconsultation@ag.gov.au).

A copy of the draft amendments is attached.

**25 March 2014**

Media Contact: Scott Bolitho – 0477 722 189

***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 Section 18C is repealed.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 Sections 18B, 18D and 18E are also repealed.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:
  - (i) to a person; or
  - (ii) to the property of a person; or
  - (iii) 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.”