



29 April 2014

Hon George Brandis
Attorney-General
Human Rights Policy Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Dear George

Re: **Consultation submission regarding proposed amendments to the
*Racial Discrimination Act 1975***

Please find attached a submission from the City of Greater Dandenong Council regarding the *Freedom of Speech (Repeal of S.18C) Bill 2014 – Exposure Draft* which is currently advertised for consultation. Council's submission was moved by a formal motion at the Ordinary Council meeting on 28 April 2014.

As a Victorian municipality with sixty per cent of residents born overseas, the City of Greater Dandenong celebrates diversity and proactively seeks to address local racial discrimination. Residents, businesses and visitors to the City of Greater Dandenong have expressed their support for the current legislation at a recent community forum. Anti-racism is a matter of strong sentiment in this municipality.

Council appreciates the social justice opportunities offered by current legislation and requests that the Federal Government reconsider the proposed amendments to the *Racial Discrimination Act 1975*.

Should you wish to discuss this submission you are welcome to contact Lee Robson Manager Community Engagement on phone 03 8571 5242 or at email lee.robson@cgd.vic.gov.au.

Yours sincerely



Cr Jim Memeti
Mayor

cc. Hon Mark Dreyfus QC MP, Federal Member for Isaacs
Hon Alan Griffin MP, Federal Member for Bruce
Ms Clare O'Neil MP, Federal Member for Hotham
Municipal Association of Victoria
Victorian Equal Opportunity and Human Rights Commission
Human Rights Law Centre
Cr Gaetano Greco, Mayor, City of Darebin

3.2 Notice of Motion No. 50 - The Freedom of Speech (Repeal of S. 18C) Bill 2014 - Exposure Draft

Author:

Cr Jim Memeti

Preamble

On 25 March 2014 Attorney General George Brandis released *the Freedom of Speech (Repeal of S.18C) Bill 2014* – Exposure Draft for community consultation.

The current *Racial Discrimination Act 1975* prohibits any form of discrimination based on race, colour, descent, national or ethnic origin, including behaviour which offends, insults, humiliates or intimidates another person based on these attributes. The proposed amendments to the Act remove these legal protections in order to widen the scope of 'free speech', thereby narrowing the scope of the Act to focus solely upon vilification and physical intimidation.

Freedom of speech is a valued aspect of Australia's liberal democracy. However, such freedom of speech has never been absolute but is limited by respect for the rights and reputations of others. In exercising our right to free speech, we may not violate the rights and freedoms of others. Further, under the current legislation, Section 18D contains free speech exemptions that provide that Section 18C does not make it unlawful to say or do something reasonably and in good faith.

The Federation of Ethnic Communities' Councils of Australia (FECCA) has raised concerns that the scope of free speech that would be permitted under these amendments is too broad and consequently it would be hard to prove any breaches which in turn may cause many serious violations of the *Race Discrimination Act* to go unreported. Community members may feel reluctant to report negative experiences due to fear of further victimisation or lack of trust that their rights would be adequately protected.

Similarly, concerns have been raised within the Greater Dandenong community that these amendments may encourage race-based insults and aggravate ethnic conflicts. Community groups have expressed concerns that, by lessening existing legal protection from racism and discrimination these amendments may erode community cohesion and compromise the safety, health and wellbeing of many Australians.

Within Greater Dandenong, those most affected by this amendment would include Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds and members of certain religious groups, many of whom experience discrimination on a regular basis. The Human Rights Commission reports that one in five Australians have experienced race-related verbal abuse and many newly arrived migrants experience high levels of discrimination. Clear links have been established between such discrimination and conditions such as depression, anxiety, obesity and drug abuse.

3.2 Notice of Motion No. 50 - The Freedom of Speech (Repeal of S. 18C) Bill 2014 - Exposure Draft (Cont.)

As a signatory to the United Nations Human Rights Declaration and its related conventions, Australia strives to eliminate racial discrimination and promote understanding among people of different racial and cultural backgrounds. These conventions affirm that all people are born free and equal in dignity and rights and are entitled to enjoy freedom of speech, belief, freedom from fear and be protected against any form of discrimination. *The Racial Discrimination Act* reflects and supports Australia's commitment to these ideals, demonstrates leadership in anti-discrimination and supports an environment that can promote cultural diversity. The proposed amendments to this Act however, conflict with these values and may potentially compromise Australia's international standing and jeopardise our engagement with other nations.

As the most culturally diverse municipality in Victoria, the proposed amendments to the Racial Discrimination Act hold important implications for the Greater Dandenong community. Greater Dandenong Council celebrates cultural diversity with pride and seeks to build a harmonious community where all residents enjoy a sense of security and belonging. Council works in partnership with the Interfaith Network of the City of Greater Dandenong and supports the initiatives such as the Refugee Welcome Zone and the National Anti-Racism Campaign: "Racism. It stops with me" which affirms Council's commitment to inclusive and welcoming environments for all people within our community.

Greater Dandenong Council supports the existing *Racial Discrimination Act* which has responded to the needs of the community for the past four decades. Council urges the Federal Government to reconsider the proposed amendments to the *Racial Discrimination Act*.

Council welcomes and supports further programs and education initiatives that continue to strengthen a stand against any form of discrimination. Accordingly, Council proposes that the Federal Government invests in more programs that seek to eliminate racism and discrimination.

Motion

That Council lodges a submission to the Attorney Generals' Department in accordance with the attached preamble as Councils response to the *Freedom of Speech (Repeal of S. 18C) Bill 2014 – Exposure Draft*.

MINUTE 555

Moved by: Cr Roz Blades AM
Seconded by: Cr Youhorn Chea

That Cr Angela Long be elected Temporary Chair to allow for Cr Jim Memeti to move this item.

CARRIED

MINUTE 556

Moved by: Cr Jim Memeti

3.2 Notice of Motion No. 50 - The Freedom of Speech (Repeal of S. 18C) Bill 2014 - Exposure Draft (Cont.)

Seconded by: Roz Blades AM

That Council lodges a submission to the Attorney Generals' Department in accordance with the attached preamble as Councils response to the *Freedom of Speech (Repeal of S. 18C) Bill 2014* – Exposure Draft and inform local parliamentarians.

CARRIED

Cr Jim Memeti resumed the Chair.