
Committee Secretary
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600

By email: 18Cinquiry@aph.gov.au

Dear Committee Secretary,

Inquiry into Freedom of Speech in Australia - Closing Date: Friday, 9 December 2016

We are writing on behalf of the New South Wales Reconciliation Council (NSWRC) Management Committee and Local Reconciliation Groups across NSW. NSWRC is the peak body for reconciliation in the state. We work alongside government agencies, not-for-profit organisations and corporate partners to address the unfinished business of reconciliation – namely, the need to achieve equal outcomes for Aboriginal and Torres Strait Islander peoples in NSW and beyond.

We refer to the terms of reference of this Inquiry, and respond as follows:

1. *Whether the operation of Part IIA of the Racial Discrimination Act 1975 (Cth) ('RDA') imposes unreasonable restrictions upon freedom of speech?*

No

In particular whether, and if so how, ss. 18C and 18D should be reformed?

If any reform, by strengthening 18C

2. *Whether the handling of complaints made to the Australian Human Rights Commission ("the Commission") under the Australian Human Rights Commission Act 1986 (Cth) should be reformed?*

No to all questions

3. *Whether the practice of soliciting complaints to the Commission (whether by officers of the Commission or by third parties) has (i) had an adverse impact upon freedom of speech or (ii) constituted an abuse of the powers and functions of the Commission, and (iii) whether any such practice should be prohibited or limited?*

No to all questions

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4. *Whether the operation of the Commission (i) should be otherwise reformed in order better to protect freedom of speech (ii) and, if so, what those reforms should be?*

No to all questions

The holding of this inquiry demonstrates that the Federal Government does not support the protection of vulnerable minorities from racist hate speech.

With reference to findings from the *2016 Scanlon Foundation Mapping Social Cohesion Survey* and Reconciliation Australia's annual *Reconciliation Barometer*, we urge the Federal Government to recognise the importance of protecting Aboriginal and Torres Strait Islander peoples in this country from racist hate speech. Strengthening rather than depleting the power of 18C is core to progressing outcomes for Aboriginal and Torres Strait Islander peoples and reaching a state of equality and reconciliation in Australia.

Further, the holding of this inquiry suggests that the right to freedom of speech is superior to the right to freedom from discrimination. Such a position has no basis in international law which clearly establishes human rights as interdependent, interrelated, indivisible and entailing both rights and obligations. Freedom of expression is not an absolute right and preventing the serious harm caused by racist speech is of sufficient importance to warrant appropriate restrictions on freedom of speech as in sections 18C and 18D of the RDA.

The terms of the inquiry implicitly attack the Commissioners and suggest that the RDA should not be enforced like other legislation.

We call on the Federal Government to support the Australian Human Rights Commission and the *Racial Discrimination Act 1975* (Cth) and cease these attacks.

Yours faithfully,



Lindon Coombes
Co-Chair, NSW Reconciliation Council



Cecilia Anthony
Co-Chair, NSW Reconciliation Council





Local Reconciliation Groups:

Aboriginal Support Group Manly Warringah Pittwater
ANTaR Armidale
ANTaR Inner West
Bennelong Reconciliation Group
Blue Mountains People for Reconciliation
Cavanbah Reconciliation Group
Friends of Myall Creek Memorial
Harbour to Hawkesbury Australians for Reconciliation
Kyogle Together
Lane Cove Residents for Reconciliation
Moree Reconciliation Group
Mosman Reconciliation
Mt Druitt & District Reconciliation Group
Projects for Reconciliation
Reconciliation for Western Sydney Inc
Reconciliation Network Northern Sydney
Sisters for Reconciliation
Winga Myamly Minto Reconciliation Group
Wingecarribee Reconciliation Group Inc
Women's Reconciliation Network