



Uniting Church in Australia Assembly

Submission

Attorney-General's Department

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

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1 | INTRODUCTION

The Uniting Church in Australia (hereafter, the UCA) came into being in 1977 when the Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia joined together. Today, as the third largest Christian denomination in Australia, the UCA celebrates its multicultural membership, and its continued work in the area of Indigenous reconciliation in partnership with its Aboriginal and Torres Strait Islander members.

The UCA seeks to bring God's vision of a reconciled and renewed world into the present, to reflect God's love for everyone, work for justice and peace and follow the example and teachings of Jesus Christ who taught what it means to love one's neighbour and one's enemy and who himself challenged the systems and structures of oppression in his society. In all of this, we are called to act with integrity, ensuring that our words and our deeds are aligned.

In the *Statement to the Nation* made by the Inaugural Assembly in 1977, the UCA committed to a continued involvement in social and national affairs and affirmed the Church's "eagerness to uphold basic Christian values and principles, such as the importance of every human being."¹

The cultural diversity of the UCA was affirmed in the statement adopted by the Fourth Assembly in 1985, *The Uniting Church is a Multicultural Church*.² This statement remembers that Jesus Christ "made peace between people of every race, culture and class" and states that such unity is "a goal to be achieved as we commit ourselves to one fellowship to achieve justice, affirm one another's cultures, and care for any who are the victims of racial discrimination, fear and economic exploitation."

Within the UCA there are many culturally diverse congregations reflecting the great diversity of our nation. In addition, there are almost 200 culturally and linguistically diverse groups who worship in 26 languages other than English. As a manifestation of our commitment to inclusivity, The UCA Assembly has a permanent team dedicated to multicultural and cross-cultural ministry.³

The UCA continues to see reconciliation with Indigenous people as essential to the life and health of the Church and Australian society more broadly. The Uniting Aboriginal and Islander Christian Congress (UAICC), established in 1985, leads the Church in ministry and solidarity with Aboriginal and Torres Strait Islander people. At its Seventh Assembly in 1994, the Church formally entered into a relationship of Covenant with its

¹ <http://www.unitingjustice.org.au/uniting-church-statements/key-assembly-statements/item/511-statement-to-the-nation>

² <http://www.unitingjustice.org.au/society-religion-and-politics/uca-statements/item/509-the-uniting-church-is-a-multicultural-church>

³ <http://assembly.uca.org.au/mcm/about>

Aboriginal members, recognising and repenting for the Church's complicity in the injustices perpetrated on First Peoples, and pledging to move forward with a shared future.⁴ The UAICC's generous response to this statement, among other messages, called upon the broader Church to take up the mission of reconciliation.⁵ Together, we hope for a nation that acknowledges and protects the rights of Aboriginal and Torres Strait Islanders as first peoples of this land.

The Uniting Church's support for human rights and the upholding of the dignity of all people was fully articulated in our 2006 statement on human rights, *Dignity in Humanity: Recognising Christ in Every Person*.⁶ In part, this statement reads:

The Uniting Church in Australia believes that human beings are created in the image of God who is three persons in open, joyful interaction. The image of God that is reflected in human life, the form of life that corresponds to God, is the human community – all people – finding its life and sustenance in relationship.

Thus, the Uniting Church believes that every person is precious and entitled to live with dignity because they are God's children, and that each person's life and rights need to be protected or the human community (and its reflection of God) and all people are diminished.

In addition to laying out the theological basis of our commitment to human rights, this statement committed the UCA to an ongoing assessment of Australian Government policy and practice against our international human rights commitments under United Nations treaties, and encouraged agencies and other groups within the Church to advocate for social policy consistent with these obligations:

We affirm our support for the human rights standards recognised by the United Nations. Everyone has a birthright to all that is necessary for a decent life and to the hope of a peaceful future. This birthright is expressed in UN human rights instruments which describe human rights as civil, political, economic, social and cultural rights. These instruments provide a valuable framework for assessing political, economic and social systems and are an important tool for peace.

The international human rights instruments to which Australia is a party recognise the importance of non-discrimination in the realisation of the rights they describe. The

⁴ <http://www.unitingjustice.org.au/justice-for-indigenous-australians/uca-statements/item/492-covenanting-statement>

⁵ <http://www.unitingjustice.org.au/justice-for-indigenous-australians/uca-statements/item/493-uaicc-response-to-the-covenanting-statement>

⁶ <http://www.unitingjustice.org.au/human-rights/uca-statements/item/484-dignity-in-humanity-a-uniting-church-statement-on-human-rights>

UCA believes that discrimination – in all its forms – is both a cause and consequence of poverty and social exclusion, and is a denial of human dignity.

The UCA is deeply concerned that the proposed changes contained in the *Exposure Draft Freedom of speech (Repeal S. 18C) Bill 2014* (hereafter, the Bill), will reduce the protection under the law of the dignity and rights afforded to vulnerable groups in Australia, such as Aboriginal and Torres Strait Islander peoples, and those from culturally and linguistically diverse backgrounds. We are also concerned that the proposed amendments threaten Australia’s existing commitments under several international human rights statutes, including:

- Universal Declaration of Human Rights (UDHR), specifically articles 1 and 2;
- The United Nations Declaration on the Rights of Indigenous Peoples (DRIP);
- The International Covenant on Civil and Political Rights (ICCPR), specifically articles 19 and 20; and
- The International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), specifically article 4.

It is in line with the past work and future commitment of the Uniting Church, and in light of the aforelisted international human rights treaties, that we make the following submission on the *Exposure Draft Freedom of speech (Repeal S. 18C) Bill 2014* (hereafter, the Bill).

2 | EXECUTIVE SUMMARY

The Uniting Church in Australia strongly believes that the proposed Bill should be rejected in its entirety. The current legislation provides proper protection under law against racial discrimination and the case for change has not been made.

If however the Government proceeds with the amendments to the Racial Discrimination Act (RDA) 1975, the UCA would suggest – at a minimum – the following:

- Retaining sections 18B and 18E of the current legislation;
- Reinserting the “reasonableness” and “good faith” tests into section 4;
- “Intimidation” as covered by section 1(ii) should be clearly defined to ensure that emotional and/or psychological harm is considered; and
- Retaining the current reasonableness test to ensure the impact on the relevant racial or ethnic group is adequately addressed.

3 | PROPOSED CHANGES TO THE RACIAL DISCRIMINATION ACT

The Bill will repeal sections 18B, 18C, 18D and 18E of the *Racial Discrimination Act (RDA) 1975*. A new section will be inserted into the Act which the Attorney-General believes “will preserve the existing protection against intimidation and create a new protection from racial vilification.”⁷

In stark contrast to this assessment, Arthur Moses SC, in a brief on the proposed changes prepared for NSW Premier Barry O’Farrell, noted that the amendments would “radically narrow the protection that Australian citizens will receive from racial vilification” and would “undermine the very purpose [of the RDA]”.⁸ He argued that the “new legislative right to engage in racial vilification in the course of public discussion would, for instance, open the door to Holocaust deniers to publish their opinions on websites and on social media in the course of ‘public discussion’.”

The existing federal racial vilification provisions were introduced through the *Racial Hatred Bill 1994 (Cth)*, largely in response to what the Hon. Michael Lavarch, then Attorney-General, described as unacceptable levels of racial hatred and violence. As Lavarch noted in his second reading speech to Parliament:⁹

It needs to be recognised that racial hatred does not exist in a vacuum or for the intellectual satisfaction of those feeling it. Racial hatred provides a climate in which people of a particular race or ethnic origin live in fear and in which discrimination can thrive. It provides the climate in which violence may take place. It is of itself a threat to the wellbeing of the whole community as well as to individuals or groups in the community. It needs to be confronted.

The RDA provides a civil prohibition – not a criminal one – against racial vilification, meaning individuals cannot be prosecuted or convicted for a crime of racial vilification under Commonwealth law. As it stands, complainants must bring their case to the Australian Human Rights Commission (AHRC) where only a small number of cases are ever heard by the courts. In the 2012/2013 financial year, only 5 of the 192 complaints concerning racial hatred that were brought before the AHRC ended in litigation, indicating that the current conciliation process is both successful and efficient.¹⁰

⁷ <http://www.attorneygeneral.gov.au/Mediareleases/Pages/2014/First%20Quarter/25March2014-RacialDiscriminationAct.aspx>

⁸ <http://www.smh.com.au/federal-politics/political-news/barrister-warns-barry-ofarrell-of-holocaust-denial-risk-under-george-brandis-changes-20140406-366r8.html>

⁹ <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;page=1;query=AuthorSpeakerReporterId%3ALG4;rec=6>

¹⁰ <http://hrc.org.au/wp-content/uploads/2014/03/Information-Paper-Racial-Vilification-Laws-April-2014.pdf>

Section 18B

The Bill seeks to remove section 18B which provides that if conduct is done for two or more reasons, and one of those reasons is race, the conduct is taken to be done on the grounds of race for the purposes of the racial vilification protections.¹¹

The UCA is gravely concerned that the removal of this provision will lead to an unfairly high burden of proof in determining racial vilification claims. Many of the targets of racial hatred may experience intersectional discrimination. Intersectionality acknowledges that individuals face multiple barriers to their empowerment and advancement, and care must be taken to acknowledge this in the advancement of human rights. Removing section 18B will not only likely result in administrative or legislative confusion during the reporting and assessing of claims, but may also discourage people from speaking out about their experiences.

Sections 18C & 18D

Section 18C states that it is unlawful to commit a public act that is reasonably likely to “offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.”¹²

Section 18C has consistently been read by the courts in light of section 18D, which provides an exemption for artistic work, scientific debate, and fair comment on and fair reporting of a matter of public interest, provided that they have been undertaken in good faith and in a reasonable manner. Sections 18C and 18D were introduced in response to the recommendations of federal inquiries including the *National Inquiry into Racist Violence* and the *Royal Commission into Aboriginal Deaths in Custody*.¹³

The proposed amendment removes the provisions of section 18C and instead focuses on acts that “vilify” or “intimidate”.¹⁴ Attorney-General Brandis says the words ‘offend’, ‘insult’ and ‘humiliate’ “describe what has sometimes been called hurt feelings”, and “it is not, in the Government’s view, the role of the state to ban conduct merely because it might hurt the feelings of others.”¹⁵ However, the courts have consistently emphasised that the legislation states that an act is only unlawful if it is proven reasonably likely, in all the circumstances, to cause harm involving “profound

¹¹ <http://hrlc.org.au/wp-content/uploads/2014/03/Information-Paper-Racial-Vilification-Laws-April-2014.pdf>

¹² http://www.austlii.edu.au/au/legis/cth/consol_act/rda1975202/s18c.html

¹³ <https://www.humanrights.gov.au/glance-racial-vilification-under-sections-18c-and-18d-racial-discrimination-act-1975-cth>

¹⁴ <http://www.ag.gov.au/Consultations/Documents/Attachment%20A.pdf>

¹⁵ <http://www.abc.net.au/news/2014-03-25/racial-discrimination-act-changes-george-brandis/5343464>

and serious effects”; “mere slights” are not enough to be a breach of the law.¹⁶

The UCA believes that the amendments proposed by the Bill would diminish current protections against racial vilification. We are concerned by the deliberate narrowness of the definitions employed, specifically that of ‘intimidation’, which focuses solely on a physical threat and fails to take account of the emotional or psychological intimidation experienced by targets of racial hatred. The Bill defines ‘vilify’ as an act “which incites hatred against a person or group of persons.” An examination of the efficacy of the ‘incitement test’ currently contained in State and Territory legislation demonstrates that it has proven extremely difficult to satisfy, and fails to take into account the “effects of racial abuse in degrading a target”,¹⁷ which we believe may leave a target of racism without an adequate avenue to seek redress.

Removing the tests of ‘reasonable’ and ‘in good faith’ currently contained in section 18D results in an extremely broad exemption to racial vilification, which would cover: “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.”¹⁸ The scope of this new exemption clause deeply concerns the UCA as we believe it would license racial hatred under the guise of a “public discussion”.

The new community standards test in section 3 of the Bill sees an act assessed “by the standards of an ordinary reasonable member of the Australian community, not by the standards of any particular group within the Australian community.”¹⁹ The UCA is troubled by this shift, as we acknowledge that many people in Australia operate from a position of privilege and are not able to accurately or fairly assess the serious impact of racial hatred on an individual who is different from them. The unacceptably high levels of systemic and continued racism and the often devastating impacts on the wellbeing of individuals is well documented.²⁰ To suggest that a group of people with no direct experience of racial discrimination are in a position to assess the impact of an act defies commonsense and risks further alienating people who have been targets of racial hatred.

Section 18E

Section 18E of the RDA imposes vicarious liability on employers who fail to take

¹⁶ <https://www.humanrights.gov.au/news/speeches/defence-racial-tolerance>

¹⁷ See: http://www.legalaid.nsw.gov.au/__data/assets/pdf_file/0019/16228/Legal-Aid-NSW-submission-to-Inquiry-Into-Racial-Vilification-March-2013.pdf and <http://www.abc.net.au/religion/articles/2014/04/03/3977736.htm>

¹⁸ <http://www.ag.gov.au/Consultations/Documents/Attachment%20A.pdf>

¹⁹ Ibid.

²⁰ For a full discussion of these issues, please refer to Section 5 of this submission.

reasonable steps to prevent racial vilification. With approximately 1 in 5 individuals experiencing racial discrimination in the workplace, any attempt to remove or diminish existing policies and efforts that employers have in place to combat racial hatred may have devastating consequences.²¹ Through *The Uniting Church as Employer Principles*, the UCA seeks “congruence as an employer with the ethos of the broader Church”, and so promotes workplaces that are committed to eliminating discrimination based on race and language through our policies and practices.²² We believe that inclusivity and diversity strengthen our workplaces and benefit us all, and we encourage the retention of section 18E in line with that belief.

4 | FREEDOM OF EXPRESSION IN AUSTRALIA

Much of the discussion in support of the amendments proposed by the Bill focuses on what the UCA believes are popular misconceptions around freedom of expression. One of these misconceptions is the “marketplace of ideas” theory, which argues that the truth will emerge when there is an open and robust competition of ideas.²³ It is an enticingly simple theory: that truth will win out in the end and that justice will prevail. It is also fundamentally flawed, as it operates on the presumption of an equal ‘marketplace’ where all participants are not only equipped with the skills to debate their point, but where they are empowered to do so and provided with an appropriate arena. In reality, those who are targets of racial vilification are usually minority groups who are vulnerable to systemic discrimination and its widely felt impacts. The theory fails on another key point, as it assumes that there is truth to statements that amount to racial hatred. Rather, racial vilification deliberately obscures the truth through bigotry, prejudice, blatantly false information or ignorance.

Other than the implied Constitutional guarantee of free political speech, freedom of speech is not guaranteed under Australian law.²⁴ Any existing rights have always been subject to qualification as demonstrated by laws against contempt of court, sedition, defamation, obscenity, sexual harassment and blackmail to name a few. That these laws exist is evidence of the legitimacy for limiting freedom of expression to ensure a healthy and effective democracy. However, there is no doubt that freedom of expression – including freedom of speech – *is* an essential part of a flourishing Australian society; indeed, protecting these rights is an important aspect of our obligations under international law.

²¹ <http://workinglife.org.au/2013/06/11/racism-in-the-workplace-it-stops-with-you/>

²² <http://www.unitingjustice.org.au/just-and-sustainable-economy/uca-statements/item/468-the-uniting-church-as-employer-principles>

²³ Gray, A. (2012). “Racial Vilification and Freedom of Speech in Australia and Elsewhere,” *Common Law World Review*, 41(2): 167.

²⁴ https://www.dfat.gov.au/facts/democratic_rights_freedom.html

Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a signatory, states that “Everyone should have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.”²⁵ However, these rights are tempered by section 19(3) which states:

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others

Further, it is made clear in section 20(2) of the ICCPR that the right to freedom of expression is not absolute:

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

The International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD) also obliges State parties to make laws that prohibit discrimination and racial hatred.²⁶ Article 4 states:

State Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention, inter alia:

(a) shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

²⁵ <http://www.austlii.edu.au/au/other/dfat/treaties/1980/23.html>

²⁶ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

(c) shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Importantly, the right to be free from discrimination is also recognised in Article 2 of the United Nations Declaration on the Rights of Indigenous Peoples (DRIP) which states:²⁷

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

What is clear from this outline of our human rights obligations is that freedom of expression is *not* absolute and must be qualified by competing rights or other issues. This position was clearly articulated by the Committee of the *National Inquiry into Racist Violence*, which was announced in 1988 in response to an increase in racial hatred and violence.²⁸ The Committee's report noted, in part:²⁹

The right to free speech needs to be weighed against the value placed on the rights of people from different backgrounds to enjoy their lives free of harassment or violence. The evidence presented to the Inquiry indicates that some people are deliberately inciting racial hostility and, particularly in the case of racist graffiti and poster campaigns, getting away with it.

Twenty-five years after the *National Inquiry into Racist Violence*, Australia finds itself in the unenviable position of witnessing an increase in the number of racial vilification complaints. In 2012/2013, the Australian Human Rights Commission (AHRC) received a 59 per cent increase in complaints of racial abuse.³⁰ The *Mapping Social Cohesion Report 2013* revealed that one in five Australians surveyed were the targets of racial abuse in the past year. This increased from one in eight in 2012 and was the highest level on record.³¹ Any attempt to water down the current prohibitions on racial vilifications contained in the RDA is ill-timed, to say the least.

The UCA believes that freedom of expression must not be seen as the only value worthy of protection in Australian society. The inherent dignity of a person must be upheld and valued – and this cannot happen when one's dignity is undermined by racist hatred and hostility. As a peace-loving Church, the UCA supports the promotion of tolerance and equality, as well as respect for cultural identity and practices. The

²⁷ http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

²⁸ Human Rights and Equal Opportunity Commission (HREOC) (1991). "Report of the National Inquiry into Racist Violence in Australia," available from <http://www.humanrights.gov.au/publications/racist-violence-1991>

²⁹ *Ibid*, p. 200.

³⁰ <https://www.humanrights.gov.au/publications/annual-report-2012-2013>

³¹ http://www.scanlonfoundation.org.au/docs/2013_SocC_report_final.pdf

proposed amendments in the Bill seek to impose freedom of speech without responsibility, and we believe they will seriously impinge on our nation's ability to build and nurture a harmonious society.

5 | THE NATURE AND IMPACT OF RACISM IN AUSTRALIA

Racism may be defined as “avoidable and unfair phenomena that lead to inequalities in power, resources and opportunities across racial or ethnic groups. It can be expressed through beliefs and stereotypes, prejudices and discrimination, and occurs at many social levels, including interpersonally and systemically, and as internalised racism.”³² Racism may occur surreptitiously by way of social exclusion or indifference. It may also take the form of overt prejudice through name-calling, taunting or insults. There is also systemic racism which may be experienced by exclusion from services or opportunities on the basis of an individual's race, colour, national or ethnic origin, religion or belief; for example, in relation to employment opportunities or access to education. Regardless of its manifestation, the UCA firmly believes that racism is a deliberate attempt to harm people and their place in the community and that it serves only to diminish us as a society.

There is a considerable body of evidence, both here in Australia and internationally, that establishes a causal connection between racism and negative health and wellbeing for people targeted for racism.³³ Research has also demonstrated that simply witnessing or hearing racial hatred can lead to a bystander adopting prejudiced and racist attitudes.³⁴ In addition to the negative health impacts, racial hatred also prevents targets from fully participating in a democratic society; the protection of racial hatred under the guise of freedom of expression silences vulnerable individuals and groups who do not feel empowered to speak up in their own defence.

With nearly 30 per cent of the Australian population born overseas as of June 2013, there is an ever-pressing need to combat the rising levels of racist hatred and vilification to ensure a tolerant and harmonious society.³⁵ The 2011 *Challenging*

³² Berman, G. & Paradies, Y. (2010). “Racism, disadvantage and multiculturalism: towards effective anti-racist praxis,” *Ethno Racial Studies*, 33: 214-232.

³³ See, for instance: <http://www.vichealth.vic.gov.au/Publications/Freedom-from-discrimination/Mental-health-impacts-of-racial-discrimination-in-culturally-and-linguistically-diverse-communities.aspx>, <http://apt.rcpsych.org/content/7/5/343.full>, and <https://www.humanrights.gov.au/news/speeches/social-determinants-and-health-indigenous-peoples-australia-human-rights-based>

³⁴ Nelson, J., Dunn, K. & Paradies, Y. (2011). “Bystander Anti-Racism: A Review of the Literature,” *Analyses of Social Issues & Public Policy*, 11(1): 268.

³⁵ <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/3412.0Chapter12011-12%20and%202012-13>

Racism project compiled surveys on racism conducted since 2000.³⁶ Overall, the findings were disturbing:

- approximately 85 per cent of respondents believe that racism is a current issue in Australia;
- approximately 20 per cent of respondents had experienced forms of race-hate talk (verbal abuse, name-calling, racial slurs, offensive gestures etc.);
- approximately 11 per cent of respondents identified as having experienced race-based exclusion from their workplaces and/or social activities;
- 7 per cent of respondents identified as having experienced unfair treatment based on their race; and
- 6 per cent of respondents reported that they had experienced physical attacks based on their race.

The project report also documented that 27.9 per cent of Australians acknowledged holding racist attitudes towards Aboriginal Australians, based on the proportion of Australians who stated that they would be concerned if a relative were to marry an Indigenous person.³⁷

Aboriginal and Torres Strait Islander people are particularly at risk of adverse physical and mental health effects as a result of persistent racism. Studies have demonstrated clear links between race-based discrimination and depression and anxiety, as well as smoking, substance use, psychological distress and poor self-assessed health status.³⁸

Aboriginal and Torres Strait Islander people who had experienced discrimination were more likely to report high to very high levels of psychological distress (44 per cent compared with 26 per cent) and to be in fair to poor health (28 per cent compared with 20 per cent). They were also more likely to engage in binge drinking (42 per cent compared with 35 per cent) and to have recently used illicit substances (28 per cent compared with 17 per cent).³⁹

Racial discrimination also negatively impacts an person's level of trust in others. Aboriginal people who have experienced discrimination are less likely than those who have not experienced discrimination to trust the police, their local school, their doctor and/or hospital and other people in general.⁴⁰

³⁶ http://www.uws.edu.au/ssap/ssap/research/challenging_racism

³⁷ Awofeso, N. (2011). "Racism: A major impediment to optimal Indigenous health and health care in Australia," *Australian Indigenous Health Bulletin*, 11(3).

³⁸ <http://www.lowitja.org.au/sites/default/files/docs/Racism-policy-brief-march-2008.pdf>

³⁹ Australian Bureau of Statistics (2010). "The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples,"

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/lookup/4704.0Chapter450Oct+2010>

⁴⁰ *Ibid.*

The UCA acknowledges that education is a powerful tool against racist behaviours and attitudes, and has been a strong proponent of the initiatives of the Australian Human Rights Committee introduced to combat racism. However, we believe that the current legislative protections contained in section 18 are a vital component of this educative process. Having strong and clear laws in place is a powerful deterrent against those who wish to license hate, while providing a valuable empowerment mechanism for those who are targets of racism. We are opposed to any attempts to weaken the current legislation as this may lead to a further increase in the number of complaints on the basis of racial vilification. Of even greater concern to the UCA is the number of individuals who would remain silent without effective protection and a strong stance against racism from our Government.

6 | CONCLUSION

The Uniting Church in Australia is committed to positively contributing to a nation that is inclusive and harmonious. We believe that diversity strengthens us: as individuals, in the life of our Church, and our society as a whole. We firmly reject the proposed amendments contained in the Bill as we believe they lessen the protections against racial vilification and have the potential to open the floodgates with regards to the production, dissemination and broadcast of materials that propagate racial hatred. When individuals are targets of racial vilification, their dignity is diminished; by our values, traditions and beliefs, we find this wholly unacceptable.