

Dear Committee Members

Thank you for the opportunity to contribute to the Parliamentary Inquiry into Freedom of Speech in Australia. I wish to make a submission to the first part of the inquiry, that is:

- whether the operation of Part IIA of the *Racial Discrimination Act 1975* (Cth) (including sections 18C and 18D) impose unreasonable restrictions on freedom of speech.

I believe how we treat others has enormous potential to either unify or divide society. This includes how we speak to and about each other. I am very worried that changes to the Racial Discrimination Act will allow racist hate speech and thus damage and divide Australian society.

I was born in Australia in 1957 and have lived here all my life. During my childhood and adolescence there was no Racial Discrimination Act. Attitudes to 'non-white' people were ignorant and divisive. White people used racist slurs such as 'coons' and 'darkies' to describe indigenous Australians. New immigrants were called derogatory names such as 'wogs', 'wops', 'dagoes' and 'chinks'. Indigenous people were considered to be part of Australia's flora and fauna, rather than citizens. Racial discrimination was an ugly stain on our society.

Thankfully Australia's race relations have progressed in these 59 years. The Government took two important steps. One was to remove race as a factor in immigration (end the White Australia policy), so that Australia now welcomes people of all races. Because of this I have friends and relatives of various skin colours and ancestries. The other step was to introduce the Racial Discrimination Act.

Part of this Act requires Australians to moderate their speech with regard to race. It's an important law. It makes people think about how they refer to others. There are legal consequences for outright racist speech. This raises the standard of discourse to ensure it is civil and respectful. An obvious effect is greater social harmony and less social division. I am very glad that this law has helped to eradicate the commonplace racist slurs of my childhood.

Recently, some media 'shock jocks', right wing think tanks and conservative politicians have agitated to amend the Racial Discrimination Act. They argue that the Racial Discrimination Act curbs free speech.

This is a disingenuous argument. Free speech in a civilised society does *not* mean freedom to say anything. There are legal limits around speech so that it is thoughtful, civil and non-abusive. We are not allowed to defame others, or to curse and swear at others. I believe that strong legal limits around racial comments are similarly necessary, and the current Racial Discrimination Act provides appropriate legal limits.

I have heard some 'free speech' advocates argue that the words "offend, insult, humiliate" should be deleted from section 18c of the Act. They say that offence can only be taken, not given, and that it's *your* fault if you take offence at a racist comment. This is also disingenuous. It is a 'victim blaming' argument; a way to shift responsibility for abuse to the victim: "Well, it's their fault if their feelings are hurt!" This is a classic 'bullying' tactic used by abusers. We no longer tolerate these 'victim blaming' tactics in other areas of law e.g. domestic violence, rape, and these tactics shouldn't be entertained with regard to hate speech.

Personally, I know from my own experience that derogatory words *do* damage people emotionally. Although I am white skinned, I have been subject to hateful language simply because I am female. Just about every woman in Australia (including a past Prime Minister) has been called ' ', 'slut', 'dog' and worse by those who deliberately use sexist slurs. Demeaning language is designed to damage people's confidence and self-esteem and keep them 'in their place' (voiceless in society). Victims of hate speech don't try to defend themselves because their abusers respond with even more vitriolic language. Just ask any woman.

As the Committee members review the Racial Discrimination Act, I urge you to reflect on the consequences of any changes. It may seem a very small thing to remove the words "offend, insult, humiliate". But there can be large and damaging social ramifications. This change would give a 'green light' for some Australians to return to the ugly racist attitudes of the 1950s and 60s. Would the Government really wish to be responsible for a policy where white people felt free to use hate speech; to call indigenous Australians 'abos' or 'boongs', or Asian Australians 'chinks', or black Australians 'niggers'? I feel sick just writing these hateful words, and can't imagine an Australia where it became legal to use such offensive slurs.

I would also like to comment on the unfortunate framing of this Parliamentary Inquiry. Surely a review of the Racial Discrimination Act would focus on the purpose of the Act, for example:

- 'Does the current Racial Discrimination Act provide sufficiently strong protection for all Australian citizens?'

Instead the Inquiry asks whether the Act imposes 'unreasonable restrictions on freedom of speech'. This seems to indicate the Inquiry has an inherent bias towards weakening the Act.

To organise the review around 'free speech' suggests that the Government cares little for the wellbeing of Australians who will be adversely affected. The framing suggests an ideological motivation for the Inquiry, driven by the agenda of a few 'shock jocks', extremist think tanks and unruly backbenchers. Is this Government actually more concerned about appeasing a few powerful 'free speech' zealots than with the welfare of the general public? These are the optics; I sincerely hope this is not the case.

In conclusion, I believe the Racial Discrimination Act has served our society well for over 40 years. I do not support making any changes to the Act. Australia has well moderated free speech and we do not need 'freer speech' at the expense of social harmony.

Instead of tampering with the Racial Discrimination Act, I suggest that the Government look to establishing or tightening similar Discrimination Acts to curb the nasty hate speech we continue to see in Australia against women, and also against members of minority religious groups.

Again, thank you for the opportunity to comment.

Yours sincerely

Pam Montgomery