

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Human Rights Commission

Question No. SBE16/018

Senator Pratt asked the following question at the hearing on 18 October 2016:

Senator PRATT: Commissioner, can I ask your view on proposed changes to 18C of the Racial Discrimination Act, proposals to remove 'insult' and 'offend', as put forward by some members of the Senate and the House of Representatives?

Dr Soutphommasane: Thank you for your question. I have spoken frequently about the Racial Discrimination Act during the past two years. My view has been consistent. I do not believe there should be changes to the act in its current form.

Senator PRATT: Do you think the impact of the proposed changes on hate speech in this country could have the potential to affect Australia's national security?

Dr Soutphommasane: It may embolden people to vent racial prejudice and intolerance and, to the extent that that may undermine cultural harmony, that could have some bearing upon national security but no direct bearing.

Senator PRATT: How many complaints have you had under section 18C since you have become Race Discrimination Commissioner?

Dr Soutphommasane: I became commissioner in August 2013, so I will take that question on notice to give you a precise answer.

Senator PRATT: And if you could consider how many of those complaints were for people who have been insulted or offended?

The answer to the honourable senator's question is as follows:

From 1 August 2013 to 18 October 2016 the Commission has received 339 complaints that include racial hatred as a ground (noting that a single complaint may raise multiple grounds) under the *Racial Discrimination Act 1975 (Cth)* (RDA).

The definition of racial hatred contained in section 18C is:

The act is reasonably likely, in all circumstances, to offend, insult, humiliate or intimidate another person or group of people.