

FREEDOM OF SPEECH (REPEAL OF S. 18C) BILL 2014

The *Racial Discrimination Act* 1975 is amended as follows:

1. Section 18C is repealed.
2. Sections 18B, 18D and 18E are also repealed.
3. The following section is inserted:

“(1) It is unlawful for a person to do an act, otherwise than in private, if:

(a) the act is reasonably likely:

- (i) to vilify another person or a group of persons; or
- (ii) to intimidate another person or a group of persons,

and

(b) the act is done because of the race, colour or national or ethnic origin of that person or that group of persons.

(2) For the purposes of this section:

- (a) vilify means to incite hatred against a person or a group of persons;
- (b) intimidate means to cause fear of physical harm:

- (i) to a person; or
- (ii) to the property of a person; or
- (iii) to the members of a group of persons.

(3) Whether an act is reasonably likely to have the effect specified in sub-section (1)(a) is to be determined by the standards of an ordinary reasonable member of the Australian community, not by the standards of any particular group within the Australian community.

(4) This section does not apply to 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.”