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CHARLIE HEBDO SHOWS WHY SECTION 18C MUST GO

“The Abbott government must repeal section 18C of the Racial Discrimination Act in light of the recent attacks on Charlie Hebdo,” says Simon Breheny, Director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

Section 18C of the Racial Discrimination Act 1975 (Cth) makes it unlawful to “offend, insult humiliate or intimidate” a person on the grounds of “race, colour or national or ethnic origin”. Section 18C was the provision used against News Corp Australia journalist Andrew Bolt in 2011 for two columns he had published in 2009.

“This week leaders from around the world have united to defend the right of publications like Charlie Hebdo to publish content that is offensive to some,” says Mr Breheny.

“But a publication such as Charlie Hebdo would struggle to survive in Australia, due to laws that censor offensive, insulting, humiliating and intimidating speech. Section 18C could be used against the publishers of cartoons that satirise figures based on their race or ethnicity. Content not caught by section 18C would almost certainly be censored by current state religious vilification laws, which are specifically designed to target the kind of content published in Charlie Hebdo.”

“The attack on Charlie Hebdo is an attack on freedom of expression. And as Prime Minister Tony Abbott rightly noted in response to this atrocity, ‘Freedom of expression is the cornerstone of a free society.’”

“The Abbott government should seek to put the prime minister’s words into action by repealing existing Australian laws that restrict free speech, starting with section 18C,” says Mr Breheny.

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