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IPA: 18C REPEAL THE ONLY OPTION

The free market think tank the Institute of Public Affairs has today warned that only full repeal of section 18C of the Racial Discrimination Act would fix the problems with the provision that have been identified in the ongoing joint parliamentary inquiry into freedom of speech.

Reports in *The Australian* today suggest that members of the Turnbull government are considering removing the words “offend” and “insult” from section 18C and replacing them with either “harass” or vilify”.

Dr Chris Berg, Senior Fellow at the IPA, said “The addition of new words such as ‘vilify’ and ‘harass’ would add confusion, complexity and uncertainty to the law, while adding no protection for freedom of speech.” Dr Berg and Simon Breheny gave evidence to the parliamentary inquiry in January.

“State criminal laws already make it unlawful to ‘harass’ people in a public place. There is no pressing need for Commonwealth duplication in this area.

“Nor would adding the word ‘vilify’ clarify the purpose of section 18C. The Macquarie Dictionary uses ‘vilify’ as a synonym for ‘insult’ and section 18C cases describe the provision as it stands as a ‘racial vilification’ provision. To add the word ‘vilify’ would be to entrench the threat that section 18C poses for free speech.

“The bottom line is this: there is no case for minor tinkering with the language of section 18C. Only a full repeal of the section 18C would prevent cases such as the Andrew Bolt case and the Queensland University of Technology case from occurring.

“Section 18C is a restriction on freedom of speech that chills public debate and damages social cohesion. The committee should recommend the full repeal of this harmful provision,” said Dr Berg.

A recent [Galaxy Research poll](#) commissioned by the Institute of Public Affairs found that 48% of Australians support removing the words insult and offend from section 18C of the Racial Discrimination Act.

The IPA submission to the Parliamentary Joint Committee on Human Rights can be read [here](#).

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