

Human rights expert backs changes to 18C

EXCLUSIVE

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FORMER human rights commissioner Sev Ozdowski has backed changes to the Racial Discrimination Act, saying amendments are needed to restore the balance between free speech and protection from racial vilification.

In a strongly worded submission on the government's draft exposure legislation, Dr Ozdowski says "it is difficult to find evidence ... freedom of speech needs to be curtailed because it grows racism in Australia or because of sensitivities associated with Australia as a multicultural society".

Instead, the one-time head of the South Australian Office of Multicultural Affairs says there is "no evidence" section 18C of the act — a key to the Andrew Bolt case — has "diminished racism or ... made any noticeable impact of attitudes or behaviour towards diversity in Australia".

"Racism is abhorrent, goes into the core of our social order and we need to deal with it," Dr Ozdowski told *The Australian* yesterday. "There is a range of civil liberties that go as well into the core of our society and its democratic order and that need to be protected. The crux of the matter is to find a balance."

Dr Ozdowski said criminal sanctions were not the best tools to tackle racism. "Education is a much more effective instrument. 18C should be better balanced and based on an objective test."

His comments came as opposition legal affairs spokesman Mark Dreyfus called on the government to release all the submissions on the draft legislation, saying "numerous" Australians had condemned the proposals.

The government has said submissions will not be published without consent from their authors.

Dr Ozdowski has called for the key words of 18C — "offend", "insult" and "humiliate" — to be removed from the act.

"There is no evidence that criminalisation of so-called hate speech elsewhere in the world has markedly contributed to social peace and harmony," he wrote in his submission.

Instead, the act "should prohibit any call to violence against Australians on the basis of race and racial vilification where it creates serious effects".

Dr Ozdowski welcomed the government's proposal to introduce a test for discrimination based on the standard of an ordinary member of the community, saying "it assumes equality before the law and gives focus to objective rather than subjective interpretation of the circumstances".

"Civil liberties and freedoms, in particular freedom of speech, play a very important role in modern society," he wrote.

"The only exception to freedom of speech should be when it calls for action that could result in violence, for example against people of certain social classes or racial or religious backgrounds and when it threatens national security and public safety."