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Media release

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Legal body slams Tasmanian proposal to permit hate speech

Australian Lawyers for Human Rights (ALHR) has urged the Tasmanian Parliament to reject changes to the *Anti-Discrimination Act 1998* (Tas) (the Act) as set out in the *Anti-Discrimination Amendment Bill 2016* ("2016"), which was tabled in the lower house of the Tasmanian Parliament on 20 September 2016. The proposed changes would see a new exemption inserted into the Act whereby conduct that incites hatred, serious contempt or ridicule will be excused in the event that the conduct is "a public act done reasonably and in good faith" for religious purposes.

Nicole Sommer, Tasmanian Convenor of ALHR, said "ALHR is deeply concerned that such changes would have widespread negative implications for many individuals and minority groups. Those most immediately affected and at risk of harm are likely to be the Tasmanian LGBTIQI community as a result of the ongoing public debate on same-sex marriage"

Nicholas Stewart, Co-Chair of ALHR's LGBTI Rights Subcommittee said, "The proposed changes are unnecessary and do not strike a fair balance between freedom of expression and the internationally protected rights of reputation and human dignity. Free speech is not superior to other human rights. It is not supreme."

Mr Stewart continued, "The objective of legislation which seeks to prevent serious harm caused by speech that is homophobic is of sufficient importance to warrant appropriate restrictions on freedom of speech".

"The proposed changes leave the LGBTI community and other individuals and minority groups open to hate speech and offensive, humiliating, intimidating, insulting or ridiculing conduct on the basis of "religious purpose", the proposed definition of which is ambiguous and without limitation. The Act as it currently stands sufficiently achieves an appropriate balance between providing protection from discrimination and unlawful conduct whilst allowing for genuine public debate and discussion."

Ms Sommer said, "These measures are contrary to firmly established principles of international human rights law and place Tasmania at odds with the laws of other Australian and comparable overseas democratic jurisdictions. No cause has been demonstrated which warrants them."

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ALHR was established in 1993 and is a national network of solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.