*[insert your letterhead, if any]*

*[address]*

*[date]*

Committee Secretary

Parliamentary Joint Committee on Human Rights

PO Box 6100

Parliament House

Canberra ACT 2600

**By email:** [**18Cinquiry@aph.gov.au**](mailto:18Cinquiry@aph.gov.au)

Dear Committee Secretary,

**Inquiry into Freedom of Speech in Australia - Closing Date: Friday, 23 December 2016**

I refer to the terms of reference of this Inquiry, and respond as follows:

1. *Whether the operation of Part IIA of the Racial Discrimination Act 1975 (Cth)* ***(‘RDA’)*** *imposes unreasonable restrictions upon freedom of speech?* **No**

*in particular whether, and if so how, ss. 18C and 18D should be reformed?* **NA but, if any reform, by strengthening 18C**

2. *Whether the handling of complaints made to the Australian Human Rights Commission (“the Commission”) under the Australian Human Rights Commission Act 1986 (Cth) should be reformed?* **No to all questions**

3. *Whether the practice of soliciting complaints to the Commission (whether by officers of the Commission or by third parties) has (i) had an adverse impact upon freedom of speech or (ii) constituted an abuse of the powers and functions of the Commission, and (iii) whether any such practice should be prohibited or limited?* **No to all questions**

4. *Whether the operation of the Commission (i) should be otherwise reformed in order better to protect freedom of speech (ii) and, if so, what those reforms should be?***No to all questions**

The holding of this inquiry gives the negative message that the Federal Government does not support the protection of vulnerable minorities from racist hate speech.

Further, the holding of this inquiry suggests that the right to freedom of speech is superior to the right to freedom from discrimination. Such a position has no basis in international law which clearly establishes human rights as interdependent, interrelated, indivisible and entailing both rights and obligations. Freedom of expression is not an absolute right and preventing the serious harm caused by racist speech is of sufficient importance to warrant appropriate restrictions on freedom of speech as in sections 18C and 18D of the RDA.

The terms of the inquiry implicitly attack the Commissioners and suggest that the RDA should not be enforced like other legislation.

I call on the Federal Government to support the Australian Human Rights Commission and the *Racial Discrimination Act 1975* (Cth) and cease these attacks.

Yours faithfully,

*[insert name - and position in organisation, if applicable]*