



**Multicultural Council of the Northern Territory**

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30 April 2014

Human Rights Policy Branch  
Attorney-General's Branch  
3-5 National Circuit  
BARTON ACT 2600

Via email: [s18cconsultation@ag.gov.au](mailto:s18cconsultation@ag.gov.au)

Dear Attorney - General

**Consultation on the proposed amendments to the Racial Discrimination Act 1975**

The Multicultural Council of the Northern Territory Inc. coordinated a community forum in conjunction with the Anti-Discrimination Commissioner of the NT on 29 April 2014 to seek community views in regard to the exposure draft of amendments to the *Racial Discrimination Act* (RDA) released on 25 March 2014.

Established in 1977, the Multicultural Council of the Northern Territory (MCNT) is the peak advocacy body representing migrants and refugees in the Top End of the Northern Territory. The MCNT is a community-based non-profit organisation administered by a board of volunteers drawn from the multicultural community. The MCNT promotes empowerment for people from culturally and linguistically diverse (CALD) backgrounds through advocacy and direct service delivery to ensure full participation in the Territory's social, cultural, economic, political and civic life.

Members of Darwin's diverse community attended a community forum on 29 April 2014 and expressed a number of concerns with the exposure draft. However the starting point and overwhelming view was that section 18B to 18D of the RDA have served the Australian community well for the last twenty years and that the case for change has not been made out.

Members of the community expressed concern at the winding back of the protections currently available under the RDA section 18C, in particular disquiet at the removal of the phrase "offend, insult humiliate" from the current draft. These provisions were viewed as working well and provide leadership and direction for new arrivals in Australia and for the community generally.

Members of the community raised concerns in regard to racist bullying in the work place and the potential for racial abuse to escalate to violence if not addressed. The concern was that the reduction in protections as set out in the exposure draft would send the message that racial abuse was OK.

Members of the community are also concerned that without the framework of the current RDA provisions that current work place codes of conduct and codes of conduct more generally in our community would be modified or weakened to reflect the weaker stance taken in the legislation in regard to racial vilification. Codes of conduct only needing to be as strong as the legislation that under pins them.

Further concerns were raised at the change in the definitions of what conduct would be considered under the amendments. Particularly the requirement that the conduct would need to incite a third party to act. It was felt that the focus of the type of conduct which should be made unlawful was conduct that had an impact on the person to whom the conduct is directed. What is important is the impact on the person vilified rather than the potential for it to move a third party to act.

Additional concerns were raised with the width of the exemption at subsection 4 of the current exposure draft that whilst the new legislation appears to protect against intimidation and vilification (as narrowly defined), the exemption is so wide as to only give the appearance of protection and would make the section inoperative. Concern was further expressed that the exemption appeared to favour the media being able to vilify asylum seekers or new arrivals to Australia.

The width of the exemption was also discussed in regard to how it would apply to the ever increasing problem of cyber racism, and the use of social media to whip up race hatred. The concern was that the extremely wide exemption for “public discussion” would mean that this area of grave concern would not be covered by the proposed amendments.

Members of the community who had worked with new arrivals for many years spoke of the insidiousness of racism and the impact on the lives and opportunities of new migrants.

Community members expressed fear for the future of new migrants, if policies and procedures such as work place policies were adjusted to reflect the weakening of the protections as proposed in the current exposure draft.

Further real concern was expressed at the lack of adequate consultation (in regard to the exposure draft) when such significant changes are being made and changes which disproportionately affect the NT as it has no racial vilification provisions of its own. The five week consultation period was seen as inadequate to properly inform and gather community views.

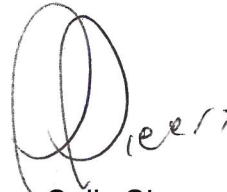
It is our recommendation from the community forum that the current provisions be retained, to continue to provide leadership in the Australian community that racism is not acceptable and if there are to be refinements that a longer, more inclusive and structured consultation with the community occurs.

Yours Sincerely



Madhu Dasgupta  
President  
Multicultural Council NT

30 April 2014



Sally Sievers  
Anti-Discrimination  
Commissioner NT