



Australian Tamil Congress
A Unified Voice for All Tamils

Amendments to Part IIA, Racial Discrimination Act -1975

Australian Tamil Congress submission

Attorney-General's Department
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Australian Tamil Congress

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Introduction

The Australian Tamil Congress (ATC) is the national body of Australian Tamils. We encourage the positive participation of Tamils in the Australian society and highlight issues of importance to Tamils.

On behalf of Australian Tamils who appreciate the social cohesion of our society, we make the following submission in relation to the exposure draft Bill on proposed changes to the racial hatred provisions of the *Racial Discrimination Act 1975*.

Submission

Members of our community have expressed concerns that by the proposed changes they will be rendered vulnerable to hate speech. As a community organisation we constantly hear stories from Australian Tamils of racism and racial discrimination.

People from culturally and linguistically diverse groups want to be free from verbal insults and offensive comments when walking down the street, when on public transport, in the workplace and online, let alone when they are reading the newspaper, listening to the radio or watching television.

We strongly believe adopting the higher thresholds of “vilify” and “intimidate” of the draft proposal will exacerbate the problems of racism described above, by effectively removing people’s fundamental protection from racial hatred. Adopting these new thresholds will put perpetrators in a stronger position, with the possibility of easy exploitation.

Sections 1 and 2 of the proposal, by focusing on physical harm, ignore the fact that the most common type of racism in Australia is racist hate speech and exclusion on the basis of race, ethnicity or cultural background.

A recent Mapping Social Cohesion Study found more than 40% of people from Asian background suffered from race related incidents last year, with India and Sri Lanka among the top three. The report also concluded that one in five Australians has experienced discrimination last year, with that number jumping to more than one in three for recent immigrants. The [Scanlon Foundation’s Recent Arrivals Report](#) released this week found that racism is one of the top three concerns of new migrants.

Several of our community members, especially new arrivals, including children, have been targets of racist hate speech. This has had deleterious effects on victims’ psychological and physical wellbeing, and the effect is particularly severe on children. Many medical practitioners have referred such cases to psychologists for further treatment. The harms caused are often directly attributable to hate speech uttered in public.

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The incidents presented below highlight the impact of racist hate speech on migrant communities such as the Tamil Community and the need for protection through a legislative framework:

1. An eight year old girl who recently arrived to Australia and is currently attending primary school, was ridiculed by one of the teachers for her accent. This, along with peer bullying at school, caused depression and the child has been refusing to attend school for over six months. This child is presently being treated for severe depression.
2. Two women conversing in Tamil language on the street were abused by a stranger, asking them to either speak in English or leave the country. This confrontation then escalated into noisy argument, with two groups forming one to attack and the other to defend. The shop keepers in the vicinity had to call the police to calm the situation.
3. A Tamil shop keeper in the Pendle Hill area was racially abused when he refused to accept a credit card payment, as the amount involved was below the set limit for credit card payments. He was abused as an "illegal boat person" and asked to leave Australia if he couldn't serve Australians. He was intimidated into giving the item for free to avoid further abuse.

Section 18C of the Racial Discrimination Act is not about "hurt feelings" or about limiting freedom of speech. It is all about offering legislative protection to one of the most vulnerable sections of the society.

Freedom of speech and expression is inevitably a double edged sword. While this is very much the cornerstone of our democratic rights and freedoms, those who spew hateful and misleading vitriol ultimately thrive on the protection it offers. This is precisely why our Federal anti-discrimination laws need to be reviewed, with the aim to strengthen, not to diminish the legislative protections.

We are a nation bound by many cultures and we highly value racial tolerance and social cohesion. We take pride in multiculturalism, which in many ways is the essence of our success. Racial vilification fundamentally damages the notion of tolerance and inclusion.

The Australian Tamil Congress believes it should be unlawful to offend, insult or humiliate based on race, and we unreservedly oppose the proposed changes, in the interest of all Australians to keep Australia free from any form of racism and bigotry.

Prepared by:



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