



JULIAN LEESER MP
MEMBER FOR BEROWRA
MEDIA RELEASE

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**EMPOWERING THE AUSTRALIAN HUMAN RIGHTS COMMISSION TO SHUT DOWN
NUISANCE s 18C COMPLAINTS**

Federal Member for Berowra, Julian Leeser MP, today outlined an effective way forward in the national debate on s18C of the *Racial Discrimination Act*.

Speaking to the Chinese Australian Services Society, Mr Leeser outlined a strong case for right to freedom of speech. "Freedom of speech is a vital ingredient in any liberal democracy", he said. "The freedom to criticise ideas and to use debate to change policy and governments is the very essence of a free society".

Mr Leeser also spoke in support of section 18C. "Freedom comes coupled with great responsibility. Section 18C protects minorities from being attacked for personal characteristics they cannot change, such as race, colour, national or ethnic origin".

In seeking an effective path forwards in the current debate surrounding section 18C, Mr Leeser recommended streamlining processes of the Australian Human Rights Commission to throw out 18C complaints which have little prospect of success.

"Repealing s 18C of the *Racial Discrimination Act* would throw the baby out with the bath water", Mr Leeser said. "The real problem is the process of the Australian Human Rights Commission which forces 18C complaints into an almost compulsory conciliation process, regardless of the merits of the complaint."

Mr Leeser recommended that the *Australian Human Rights Commission Act* be amended so that the Commission must initially determine whether a complaint under 18C has little prospect of success. In the event that such a determination is made, the complaint would be terminated.

The complainant could have such a determination reviewed by the Federal Court on grounds limited to jurisdictional error only. The complainant would also need to provide security for costs before exercising their right to judicial review.

“Many of the cases which have drawn wide public discussion – the Bill Leak case and the QUT Students case – may have been more swiftly determined if the Commission had been able to terminate them on the basis that they had little prospect of success”, said Mr Leeser. “The new process I am proposing would lead to greater public confidence in the handling our racial discrimination laws and, at the same time, maintain Australia’s strong protections against racism.”

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